

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

- - - - - x

CHARLES DEMPSEY, individually, and  
L.D., by her Father and Natural  
Guardian, Charles Dempsey,

Plaintiffs,

-against-

THE CITY OF ROCHESTER, a Municipal  
entity, et al.,

Defendants.

- - - - - x

Video Conference

June 3, 2022

9:45 a.m.

EXAMINATION BEFORE TRIAL of P.O. ADAM  
GORMAN, a Defendant in the above-entitled action,  
taken by the Plaintiff, held at the above  
time and place, pursuant to Court Order,  
taken before Robyn Lehrmann, a Notary Public  
in and for the State of New York.

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A P P E A R A N C E S :

ROTH & ROTH, LLP

Attorneys for Plaintiffs

192 Lexington Avenue, Suite 802

New York, New York 10016

BY: ELLIOT SHIELDS, ESQ.

LINDA KINGSLEY, CORPORATION COUNSEL

Attorney for CITY OF ROCHESTER

30 Church Street

Rochester, New York 14614

BY: PEACHIE JONES, ESQ.

S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by  
and among counsel for the respective parties  
hereto, that the sealing and certification of  
the within deposition shall be and the same  
are hereby waived;

IT IS FURTHER STIPULATED AND AGREED

1

2 that all objections, except to the form of  
3 the question, shall be reserved to the time  
4 of the trial;

5 IT IS FURTHER STIPULATED AND AGREED  
6 that the within deposition may be signed  
7 before any Notary Public with the same force  
8 and effect as if signed and sworn to before  
9 the Court.

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THE REPORTER: The attorneys  
participating in the deposition  
acknowledge that I am not  
physically present in the  
deposition room and that I will  
be reporting this deposition  
remotely.

They further acknowledge  
that in lieu of an oath  
administered in person, I will  
administer the oath remotely.

The parties and their  
counsel consent to this  
arrangement and waive any

1

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objections to this manner of  
reporting. Please indicate your  
agreement by stating your name  
and your agreement on the  
record.

6

7

MR. SHIELDS: Elliot  
Shields, I agree.

8

9

10

11

12

MS. JONES: Peachie Jones  
for the City, I also agree. I  
will request a copy of the  
transcript.

13

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16

MR. SHIELDS: Peachie, can  
you get in the video view so we  
can see you during the  
deposition?

17

18

MS. JONES: You want me in  
the video?

19

20

MR. SHIELDS: Yes.  
Off the record.

21

22

(A discussion was held off  
the record.)

23

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1 P.O. Adam Gorman

2 P.O. A D A M G O R M A N,

3 Having been first duly sworn by a Notary  
4 Public of the State of New York, was  
5 examined and testified as follows:

6 THE COURT REPORTER: Please  
7 state your name for the record.

8 THE WITNESS: P.O. Adam  
9 Gorman.

10 THE COURT REPORTER: Please  
11 state your precinct address for  
12 the record.

13 THE WITNESS: 185 Exchange  
14 Boulevard, Rochester, New York  
15 14614.

16 EXAMINATION BY  
17 MR. SHIELDS:

18 Q Good morning, Officer Gorman.

19 A Good morning.

20 Q My name is Elliot Shields. I  
21 represent a father and daughter whose dog was  
22 shot and killed and I am going to ask you  
23 some questions today.

24 If there is anything that I ask  
25 you that you don't understand, please say so

1 P.O. Adam Gorman

2 and I will gladly rephrase it for you. Okay?

3 A Sounds good.

4 Q Otherwise, if you answer the  
5 question, I will assume that you understood  
6 it.

7 Do you understand everything  
8 that I've said so far?

9 A Yes.

10 Q You agree to those terms?

11 A Yes, sir.

12 Q This is a virtual deposition.  
13 We're not in-person together.

14 Can you just tell me where you  
15 are doing the deposition from?

16 A I am doing it at City Hall,  
17 which is located at 30 Church Street,  
18 Rochester, New York.

19 Q Ms. Jones is in the room with  
20 you?

21 A Yes, sir.

22 Q Is there anyone else in the room  
23 with you?

24 A No, sir.

25 Q Do you have any papers or

1 P.O. Adam Gorman

2 anything in the room with you to help you  
3 review to help you answer questions today?

4 A No.

5 Q Do you understand that  
6 everything that you say and I say is going to  
7 be transcribed into a little book for us to  
8 use at trial in this case?

9 A Yes, I do.

10 Q Have you ever been questioned  
11 under oath before?

12 A Yes, I have.

13 Q How many times would you  
14 estimate?

15 A A couple hundred.

16 Q Were those all in the context of  
17 criminal cases testifying in hearings and at  
18 trial?

19 A Yes. .

20 Q Have you ever been deposed or  
21 given testimony in a civil case like this  
22 one?

23 A I have not.

24 Q You gave your business address,  
25 right?

1 P.O. Adam Gorman

2 MR. SHIELDS: And, Peachie,  
3 since he gave the business  
4 address, not his home address,  
5 does the City agree to produce  
6 Officer Gorman at the time of  
7 trial?

8 MS. JONES: Yes.

9 Q Officer, I will try to tell you  
10 in advance where I am going with the  
11 questions so that you can have a little heads  
12 up.

13 First, I'm going to ask you just  
14 some background questions. Okay? So I will  
15 start with your educational background.

16 Starting with high school, can  
17 you tell me where you went to high school and  
18 what year you graduated?

19 A Greece Athena High School.

20 (Reporter clarification.)

21 THE WITNESS: Greece,  
22 G-R-E-E-C-E, and then Athena,  
23 like the god.

24 Q What year did you graduate?

25 A 2011.



1 P.O. Adam Gorman

2 Q What is your highest level of  
3 education?

4 A Currently in college.

5 Q I'm sorry. Corinthian?

6 A Currently in college.

7 Q You are currently in college?

8 A Yes.

9 Q Where are you currently in  
10 college?

11 A Monroe Community College.

12 Q What is your course of study or  
13 your major or whatever?

14 A Business administration.

15 Q When did you start classes  
16 there?

17 A A year ago, a year and a half  
18 ago.

19 Q Are you taking any classes  
20 related to police work?

21 A I am not.

22 Q Can you just give me an overview  
23 of your job experience since you graduated  
24 from high school?

25 A As far as having to do with my

1 P.O. Adam Gorman

2 job I held or just a general overview?

3 Q Yes, just a general overview.

4 Like, you know, this was my first job. I was  
5 in this field for "X" amount of time and then  
6 I became a police officer.

7 A After I graduated high school, I  
8 worked in a pizza shop for just a couple of  
9 months. After that I enlisted in the United  
10 States Army. Served active duty for about  
11 three and a half years and the rest of my  
12 eight-year contract on reserve status. And  
13 shortly after that I became a police officer.

14 Q Thank you for the overview. I  
15 will ask you a few other questions.

16 Prior to joining the RPD, had  
17 you done any police-related work in any other  
18 job?

19 A No.

20 Q Did you have any particular  
21 training about doing police work?

22 A No.

23 Q You said that you were three and  
24 a half years active duty and then on reserve  
25 after that?

1 P.O. Adam Gorman

2 A Correct.

3 Q Are you still on reserve with  
4 the U.S. Army?

5 A I am not.

6 Q When did that end?

7 A In 2019.

8 Q You said it was an eight-year  
9 contract?

10 A Correct.

11 Q Your hire date with RPD was  
12 September of 2016; is that correct?

13 A That is correct.

14 Q After you were hired you went to  
15 the police academy?

16 A Yes.

17 Q How long was that?

18 A The academy lasted six months.

19 Q Where did you go physically for  
20 your training in the police academy?

21 A To the -- to the public safety  
22 training facility. It is located at 1190  
23 Scottsville Road, also in Rochester.

24 Q Was that full-time, 40 hours a  
25 week?

1 P.O. Adam Gorman

2 A Yes, it was.

3 Q Was it just RPD officers or was  
4 it members from other police departments as  
5 well?

6 A A combination of different  
7 agencies.

8 Q So it wasn't just specific for  
9 RPD, correct?

10 A No, it was not.

11 Q So you're taught more generally  
12 the laws applicable throughout the State of  
13 New York for all police officers?

14 A Correct.

15 Q You were taught things like  
16 police practices and procedures applicable  
17 throughout New York State?

18 A Correct.

19 Q You were taught good and  
20 accepted police practices and procedures for  
21 things like the laws of arrest?

22 A Yes.

23 Q You were taught basically the  
24 professional standards of care for a police  
25 officer, right?

1 P.O. Adam Gorman

2 A Correct.

3 Q How to be a professional police  
4 officer?

5 A That is correct.

6 Q You were taught about being, for  
7 example, diligent when you do an  
8 investigation or a search?

9 A Yes.

10 Q You were taught basically the  
11 elements of various different crimes?

12 A That is correct.

13 Q You were taught about probable  
14 cause?

15 A Yes, sir.

16 Q You were taught about the use of  
17 force matrix or is that something specific  
18 for the RPD?

19 A No. That is generalized for New  
20 York State.

21 Q So you were taught that at the  
22 academy as well?

23 A That is correct.

24 Q Were you taught about  
25 testifying?

1 P.O. Adam Gorman

2 A I am sorry. Say that again.

3 Q Were you taught about how to  
4 testify in court?

5 A Not that I recall.

6 Q Is there anything else generally  
7 from the academy that you learned that we  
8 didn't review?

9 A Nothing comes to mind.

10 Q After the academy ended, did you  
11 have to take a test?

12 A After it ended?

13 Q I guess, to complete the  
14 academy, did you have to take a test?

15 A A written test.

16 Q A written test?

17 A We took a couple during the  
18 academy throughout.

19 Q So you obviously passed all of  
20 those tests?

21 A Yes, sir.

22 Q And then after the academy, what  
23 happened next?

24 A After the academy, we attended  
25 two weeks of post-academy, which is RPD

1 P.O. Adam Gorman

2 specific, and then from there we got four  
3 months of field training.

4 Q Can you tell me about those two  
5 weeks of post-academy training?

6 A Very vaguely, it's specific  
7 policies, procedures where paperwork -- how  
8 we file paperwork at RPD versus other  
9 agencies. I believe we went over DWIs during  
10 that portion. That's about it.

11 Q Did you learn, like, the RPD's  
12 general orders and other policies?

13 A Not during that portion, I don't  
14 believe.

15 Q Were you ever given, like, a  
16 handout of all of the City of Rochester's  
17 police department's policies, like, general  
18 orders and training bulletins?

19 A No. They're all found online.

20 Q At some point, like, during that  
21 two-week period, were told that you had to be  
22 familiar with all of those policies and that  
23 you were accountable if you violated them?

24 A I don't recall if we were told  
25 that.

1 P.O. Adam Gorman

2 Q So after the academy, two weeks  
3 of training, and then you said four months of  
4 fields training; is that right?

5 A That is correct.

6 Q And who were your field training  
7 officers? Well, let me back up. Let me  
8 withdraw that question.

9 During field training there is  
10 four phases of field training; is that right?

11 A Correct.

12 Q Do you have the same field  
13 training officer or different field training  
14 officers throughout that time?

15 A You have different field  
16 training officers throughout.

17 Q Can you tell me who your field  
18 training officers were?

19 A My first one was Officer Scott  
20 Calkins.

21 (Reporter clarification.)

22 THE WITNESS: Calkins,  
23 C-A-L-K-I-N-S.

24 Q And the second?

25 A Officer Denny Wright. I don't



1 P.O. Adam Gorman

2 remember who the other one was. I don't.

3 Q So you named two.

4 Do you finish with your primary  
5 FTO, the one that you started with? Is that  
6 how that works?

7 A Yes. You return back to your  
8 first phase.

9 Q So for the fourth phase it would  
10 have been Scott Calkins again?

11 A Correct.

12 Q Do you remember when you ended  
13 your field training?

14 A I don't. I generally --  
15 generally August of 2017, give or take.

16 Q Basically, throughout field  
17 training, it's a hands-on, learn on the job  
18 experience, correct?

19 A Yes.

20 Q Throughout the four phases  
21 you're given more independence and  
22 responsibility; is that right?

23 A That's correct.

24 Q And do you have tests that you  
25 have to take to complete each phase of field

1 P.O. Adam Gorman

2 training?

3 A No written exams.

4 Q So would it just be your FTO  
5 evaluating you and your performance?

6 A Correct.

7 Q And after you complete your  
8 field training, is there a probationary  
9 period?

10 A Yes.

11 Q And do you know how long that  
12 lasts?

13 A The probation period lasts, in  
14 total, from date of hire, 18 months.

15 Q When you say date of hire, do  
16 you mean when you begin the police academy?

17 A Yes. The first day of the  
18 academy.

19 Q So the academy is six months and  
20 then field training is four months. That  
21 would be 10 months. So then it's an  
22 additional eight months after your field  
23 training ends; is that right?

24 A That would be an additional --  
25 sounds right. Sounds about right. My math

1 P.O. Adam Gorman

2 is not too good.

3 Q 18 months total though, right?

4 A Yes. Correct.

5 Q I just want to backtrack for a  
6 second.

7 Can you tell me everything that  
8 you did to prepare for today's deposition?

9 A I reviewed the incident with  
10 corporation counsel.

11 Q Don't tell me any of the  
12 substance of your conversation, but when you  
13 say corporation counsel, do you mean  
14 Ms. Jones?

15 A Yes, that's correct.

16 Q Did you speak with anyone else  
17 about the incident?

18 A Another gentleman. I don't know  
19 who it was.

20 Q Mr. Beath?

21 A Could be. I couldn't tell you.

22 Q Another attorney for the City?

23 A Correct.

24 (Reporter clarification.)

25 MR. SHIELDS: Correct.

1 P.O. Adam Gorman

2 B-E-A-T-H.

3 Q How many times did you speak  
4 with the attorneys?

5 A I don't know the specific  
6 number. Twice.

7 Q Were those two times that you  
8 spoke with the attorneys the only time that  
9 you spoke with them about the case --

10 A Yes.

11 Q -- to prepare for today's  
12 deposition?

13 A Yes.

14 Q How long did each meeting last?

15 A I don't remember the first one,  
16 the length of it. The second one, maybe a  
17 couple of hours.

18 Q Did you speak with anybody other  
19 than your attorneys about today's deposition?

20 A I have not.

21 Q Or the previously scheduled  
22 deposition that we had to reschedule?

23 A No, I have not.

24 Q Have you spoken with anyone in  
25 the police department about the case since

1 P.O. Adam Gorman

2 the lawsuit was filed?

3 A No.

4 Q Have you spoken with Algarin  
5 about the case at all?

6 A Not since the day or the couple  
7 of days preceding the incident.

8 Q Do you mean the couple of days  
9 after the incident or before the incident?

10 A After the incident.

11 Q And when you spoke with Algarin  
12 about the incident, what did you guys talk  
13 about?

14 A Exactly what happened.

15 Q Can you elaborate at all? Do  
16 you remember any details?

17 A No. That was years ago.

18 Q In preparation for today, did  
19 you review any other paperwork?

20 A I reviewed an incident report.

21 Q Anything else?

22 A No.

23 Q Did you look at any pictures?

24 A No, not pictures.

25 Q Did you watch any videos?

1 P.O. Adam Gorman

2 A I did.

3 Q What videos did you watch?

4 A My body-worn camera and Officer  
5 Algarin's body-worn camera.

6 Q When you do your field training,  
7 are you assigned to a section?

8 A Yes, you are.

9 Q What section were you assigned  
10 to?

11 A Clinton section.

12 (Reporter clarification.)

13 THE WITNESS: Yes, ma'am.

14 That's spelled C-L-I-N-T-O-N.

15 Q And after you finished your  
16 field training, did you continue with the  
17 Clinton section?

18 A Yes.

19 Q Are you still assigned to the  
20 Clinton section?

21 A That I am.

22 Q So throughout your entire career  
23 with RPD you've been assigned to the Clinton  
24 section?

25 A Correct.

1 P.O. Adam Gorman

2 Q Can you tell us generally, what  
3 is that section like? How would you describe  
4 it?

5 A Violent.

6 Q What else?

7 A I don't know how else to  
8 describe it. Small.

9 Q What are the geographic  
10 boundaries of the Clinton section?

11 A Generally speaking, it goes from  
12 the most northern end of East Ridge Road, a  
13 couple of streets north of that. The  
14 majority of it ends at East Bridge Road where  
15 Iriogort starts south to the interloop, east  
16 toward North Goodman Street, and westward to  
17 the Genesee River.

18 (Reporter Clarification.)

19 Q So thank you for that  
20 description.

21 So you said it was violent.

22 Geographically small compared to  
23 other sections I guess is what you mean when  
24 you say small; is that right?

25 A Yes.

1 P.O. Adam Gorman

2 Q When you say violent, you mean a  
3 lot of violent crime?

4 A That is correct.

5 Q Is there other types of crime in  
6 that section as well?

7 A Yes.

8 Q What other types of crime are  
9 predominant in the Clinton section?

10 A Anywhere from family issues to  
11 public disorderly crimes.

12 Q What types of crimes are public  
13 disorderly crimes?

14 A Could be anything from selling  
15 drugs to making unreasonable noise.

16 Q Demographically, how would the  
17 Clinton section break down generally?

18 A I want to clarify. You are  
19 talking about the race?

20 Q Demographics, correct.

21 A I couldn't give you a specific  
22 number, but the majority are either black or  
23 Hispanic.

24 Q So a majority minority  
25 neighborhood?



1 P.O. Adam Gorman

2 A Correct.

3 Q Let's go back to the training a  
4 little bit. Since you finished your field  
5 training, what other training have you done  
6 with the RPD?

7 A Just that.

8 Additional schools you're  
9 saying?

10 Q Yes. Like, is there any  
11 mandatory training required by the RPD, I  
12 don't know, on an annual basis or something?

13 A Yes. We have annual  
14 in-services.

15 Q And what topics are required at  
16 annual in-services?

17 A I couldn't tell you what is  
18 required.

19 Q So 2017 is when you finished  
20 your field training.

21 Is there any training that  
22 you've received every year since 2017?

23 A Yes.

24 Q What would that be?

25 A One, we would qualify annually

1 P.O. Adam Gorman

2 with our firearms.

3 Q Other than firearms, is there  
4 any annual training that you have done every  
5 year since 2017?

6 A There is no specific topic that  
7 comes to mind.

8 Q So as far as you know, it is  
9 just firearms training that is required every  
10 year?

11 MS. JONES: I am going to  
12 object to that. You can answer.

13 A It's the only thing that I can  
14 recall. I wouldn't say required. I am sure  
15 there is a laundry list.

16 Q Since finishing your field  
17 training, what in-service trainings have you  
18 done other than firearms training?

19 A We have done defensive tactics,  
20 things like updates on policies and  
21 procedures, mental health, things of that  
22 nature.

23 Q Do you remember any specific  
24 training on updates for policies and  
25 procedures that you have done?

1 P.O. Adam Gorman

2 A None comes to mind.

3 Q And the only specific thing that  
4 you said was mental health.

5 Can you elaborate on that a  
6 little bit?

7 A I only say that because that's  
8 probably -- I think that's our -- that is our  
9 most -- my most recent in-service training.

10 Q And how long does an in-service  
11 training last? Like, do you take a day off  
12 and go to a training?

13 A Typically they are eight-hour  
14 in-services.

15 Q And let's just say in the last  
16 year, how many eight-hour in-service  
17 trainings have you done?

18 A I have done -- July or June --  
19 two, I believe.

20 Q That includes the mental health  
21 training that you just said and another one?

22 A Correct.

23 Q Does that help you remember the  
24 topic of the other training that you did?

25 A It does not.

1 P.O. Adam Gorman

2 Q Well, I don't want you to guess.

3 Could it have been a defensive  
4 tactics training?

5 MS. JONES: Objection.

6 A It was not, no.

7 Q Other than in-service training  
8 with the RPD, have you attended any trainings  
9 hosted by private entities?

10 A No.

11 Q Just to be clear, when I say  
12 private entities, I mean either private  
13 companies -- so I'll just take it one by one.

14 Have you ever gone to a training  
15 held by a private company?

16 A I have not.

17 Q How about any trainings hosted  
18 by the Locust Club?

19 A No.

20 Q And I guess there was an  
21 assumption based into that question.

22 Are you a member of the Locust  
23 Club?

24 A Yes, I am.

25 Q And when you go to trainings,

1 P.O. Adam Gorman

2 generally you get a training certificate; is  
3 that right?

4 A Yes.

5 Q And when you get those training  
6 certificates, they're put into your personnel  
7 file; is that right?

8 A Yes, they are.

9 Q So your personnel file should  
10 contain all of the training certificates that  
11 you have done?

12 A It should.

13 Q So I want to review your  
14 personnel file that was produced in discovery  
15 in this case.

16 MR. SHIELDS: So, Robyn,  
17 we'll mark that as Exhibit A.  
18 And, for the record, this is  
19 documents Bates number City of  
20 Rochester 999 to 1132.

21 (Witness's personnel file  
22 marked as Plaintiff's Exhibit A  
23 for identification, as of this  
24 date.)

25 Q So I'm going to start at the

1 P.O. Adam Gorman

2 back and move up because the back, 1132, is  
3 where the certificate starts. So I am going  
4 to share my screen and just go over some of  
5 these documents with you. Okay?

6 A Okay.

7 Q So, first, I'm going to share my  
8 screen and I'm going to ask if you can see  
9 what I put up here.

10 And, Officer, can you see this  
11 bottom document here? It says, "Certificate  
12 of Completion"?

13 A Yes, I can.

14 Q Great.

15 Is that the only thing that you  
16 see or do you see the rest of my computer  
17 too?

18 A I only see that right now. You  
19 would have to scroll.

20 Q Great. So police bicyclist,  
21 that basically means you are one of the guys  
22 that can ride around the city on a bike?

23 A That it is.

24 Q Is that a primary assignment or  
25 is that something that you do at special

1 P.O. Adam Gorman

2 events or something else?

3 A Usually a special detail of some  
4 sort.

5 Q This next one, page 1131, it  
6 says that you successfully completed the  
7 basic course for police officers or  
8 equivalent on 9/1/2017.

9 My question about this one is,  
10 this is just your police academy training  
11 certificate, correct?

12 A I honestly don't know if it's  
13 just for the six months of the academy or --  
14 the date doesn't really match up -- or if  
15 that is everything. It looks like it is more  
16 like everything.

17 Q So that would be after the field  
18 training ended?

19 A I would assume so based on the  
20 date.

21 Q And this is a certificate from  
22 the State Division of Criminal Justice  
23 Services; is that correct?

24 A Correct.

25 Q And do you know if the DCJS is

1 P.O. Adam Gorman

2 what sets basically the standards for  
3 training for all police officers in New York  
4 State?

5 A They do.

6 Q And the next one is another DCJS  
7 certificate regarding opioid overdose and  
8 that's dated February 1, 2017.

9 Do you remember that training?

10 A Yes, I do.

11 Q Was that part of the academy or  
12 something else?

13 A We went over -- I don't know if  
14 this certification is from the academy, but I  
15 do recall going over it when receiving  
16 medical training in the academy.

17 Q So you received some medical  
18 training in the academy also?

19 A Correct.

20 Q The next one is a FEMA training  
21 from January 18th, 2017.

22 Do you remember that training?

23 A Vaguely.

24 Q Can you tell me generally what  
25 that training involved?



1 P.O. Adam Gorman

2 A Scene management.

3 Q Was it something special like  
4 some kind of, like, crisis scenes as opposed  
5 to, I don't know, a regular stop and arrest  
6 on the street?

7 A Not that I recall. I honestly  
8 don't know.

9 Q This looks like this next one is  
10 the same certificate maybe. Let's compare  
11 them.

12 Does it look like a duplicate to  
13 you?

14 A Scroll down again.

15 No. They are slightly  
16 different.

17 Q So they are both issued on  
18 January 18th, though, right?

19 A Correct.

20 Q And what is the difference that  
21 you see? That part?

22 A Yes. That has the "B" and the  
23 first one you showed has the letter "A," as  
24 in Adam.

25 Q And do you know the significance

1 P.O. Adam Gorman

2 of the difference in the two certificates?

3 A I don't.

4 Q And above that we've got a DCJS  
5 certificate for another one for opioid  
6 overdose and it looks like that's maybe  
7 duplicate of the prior since it's the same  
8 date.

9 Does that look right to you?

10 A It looks about right.

11 Q I believe those are all the  
12 certificates at this times that were  
13 contained in the file that the City produced.

14 Are there additional trainings  
15 that you received other than what you  
16 reviewed in terms of these training  
17 certificates?

18 A Yes, there are.

19 Q To your knowledge, should those  
20 other trainings have had certificates that  
21 should have been in your file?

22 A I couldn't say. I don't know.

23 MR. SHIELDS: To the extent  
24 that there are additional  
25 training certificates, we'd call

1 P.O. Adam Gorman  
2 for production of those  
3 certificates of those, please,  
4 Ms. Jones. And we'll follow up  
5 in writing about that.

6 MS. JONES: Yes. I thought  
7 he said he didn't know if there  
8 were certificates.

9 MR. SHIELDS: I believe that  
10 is what he said. That is why  
11 the production called for to the  
12 extent that there is anything  
13 else.

14 Q I will go over some of your  
15 evaluation again from bottom to top.

16 So this one is for the period  
17 November 2017, to November 1st to the 30th.

18 So my first question is, this is  
19 only a one-month period. Is that because you  
20 were on probation still?

21 A This looks like a -- oh, okay.  
22 Yes. This is a monthly probation, yes. When  
23 you're on probation, they do monthly  
24 evaluations.

25 Q So my question is about the

1 P.O. Adam Gorman

2 highlighted parts. So my first question is  
3 the supervisor -- and if we go down here, can  
4 you tell me, do you know whose signature that  
5 is there at the bottom?

6 A I have no idea whose signature  
7 that is.

8 Q Do you know who your rater would  
9 have been during this period?

10 A Well, based on the signature at  
11 the top of the page it would have been  
12 Sergeant Nicholas Iceler.

13 Q Got it. That should have been  
14 the same person that signed down here. And  
15 he says here in this highlighted sentence, "I  
16 would like to see Officer Gorman be a little  
17 more proactive during normal patrol  
18 functions." Right?

19 A Yes.

20 Q And can you tell me, generally,  
21 what does proactive mean?

22 A Proactive means to actively  
23 deter crime before getting a 911 call.

24 Q So can you give me some examples  
25 of how you would do that?

1 P.O. Adam Gorman

2 A So proactive could be something  
3 as simple as a traffic stop or we clear  
4 people from corners if needed or necessary or  
5 deal with drug issues in the area.

6 Q So how would you clear people  
7 from a corner? What would you do?

8 A Assuming I had a legal reason to  
9 do so, I would step out of my patrol car and  
10 tell them to leave.

11 Q If there is just a bunch of  
12 people hanging out on the corner, would you  
13 have a legal reason to disburse them?

14 A The act of hanging out on a  
15 public corner is not in itself illegal.

16 Q So what circumstances might, you  
17 know, give you the authority to clear people  
18 from a corner?

19 A For starters, if they are  
20 disrupting the flow of pedestrian traffic.

21 Q Okay. And how do you make that  
22 determination?

23 MS. JONES: Objection.

24 A If they are blocking passing  
25 traffic, if I can see other people on the

1 P.O. Adam Gorman

2 sidewalk that are having difficulty getting  
3 around said group.

4 Q If they can walk around them on  
5 the sidewalk, is that enough?

6 MS. JONES: Objection.

7 A Are you saying is it enough to  
8 step out on them if they can still walk  
9 around.

10 Q Correct.

11 A I think that is a very vague  
12 statement and there are too many factors.

13 Q So can you tell me, have you had  
14 to do that before?

15 A Yes, I have.

16 MS. JONES: Objection.

17 Q Can you give me a specific  
18 example of the time that you have done that  
19 because you felt that it was legal?

20 MS. JONES: Objection.

21 A Something specific to you're  
22 saying a public sidewalk?

23 Q Correct.

24 A On a proactive stop or a 911  
25 call?

1 P.O. Adam Gorman

2 Q Proactive stop.

3 A Frequently we deal with a  
4 corner. I wouldn't say a corner, but Boston  
5 Street. There is a high volume drug area  
6 where there are numerous parties and on  
7 multiple occasions myself and different  
8 officers have had to go there and clear  
9 people from the street and from the  
10 sidewalks.

11 Q So it is a high-crime area and  
12 there are a lot of people on the sidewalk so  
13 you can disburse them for that reason?

14 MS. JONES: Objection.

15 A For being on the sidewalk, as I  
16 said before, no, I cannot.

17 Q For being on a sidewalk in a  
18 high-drug area?

19 MS. JONES: Objection.

20 A Being on the sidewalk in a  
21 high-volume drug area is not in itself a  
22 crime.

23 Q So in instances where you have  
24 gone to Boston Street, which you described as  
25 a high-drug area, and had to clear people off

1 P.O. Adam Gorman  
2 the street, what are the other factors in  
3 those circumstances that gave you the legal  
4 authority to clear those people off the  
5 street?

6 MS. JONES: Objection.  
7 Elliot?

8 (Technical difficulties.)

9 MR. SHIELDS: Peachie, can  
10 you stop talking in my  
11 deposition?

12 MS. JONES: We are far  
13 afield of what we're talking  
14 about in this case.

15 MR. SHIELDS: I am talking  
16 exactly what I want to talk  
17 about and I will ask him any  
18 questions that I want. So I am  
19 asking him about his personnel  
20 file that was produced in  
21 discovery. I am asking him  
22 about Rochester Police  
23 Department policies.

24 So you know what? We can  
25 call the Judge if you're going



1 P.O. Adam Gorman  
2 to keep interrupting my  
3 deposition that we started a  
4 half hour late because of your  
5 technical deposition. So I  
6 would appreciate it if you would  
7 stop talking.

8 MS. JONES: This is  
9 completely irrelevant. This has  
10 nothing to do with --

11 MR. SHIELDS: That is not a  
12 valid reason for you to object  
13 to my deposition question. So I  
14 am going to ask you again,  
15 please, stop interrupting my  
16 deposition.

17 MS. JONES: We can continue,  
18 you know.

19 MR. SHIELDS: Thank you.

20 Robyn, can you please read  
21 back the last question?

22 (The requested portion of  
23 the record was read back by the  
24 reporter.)

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 A Making unreasonable noise,  
3 blocking vehicular traffic.

4 Q And when you say vehicular  
5 traffic, do you mean pedestrian traffic?

6 A No. She said street.

7 Q Well, when you went to Boston  
8 Street to clear people from the corner, were  
9 they in the street or on the sidewalk?

10 MS. JONES: Objection.

11 A If you are talking about a  
12 specific time of the many, they had been all  
13 over this street and sidewalk.

14 Q And some of those times you had  
15 to clear people, have there ever been  
16 instances where you arrived to clear them  
17 that people have run away from you?

18 A Yes.

19 Q When people have run away from  
20 you, have you pursued them on foot?

21 A Not any specific call that I  
22 would remember.

23 Q So you show up. And to clear  
24 the sidewalk, what do you do? Do you get out  
25 of your car?

1 P.O. Adam Gorman

2 MS. JONES: Objection.

3 A It depends.

4 Q You approach and you ask them to  
5 move along?

6 MS. JONES: Objection.

7 A Yes.

8 Q Sometimes people run away from  
9 you when you ask them to move along?

10 A Yes. That does happen.

11 Q Sometimes you pursue them on  
12 foot when they run away from you?

13 A If I have a reason to do so.

14 Q What would give you a reason to  
15 chase them after you had them to clear the  
16 corner?

17 MS. JONES: Objection.

18 A If I was placing them under  
19 arrest or detaining them.

20 Q So you would have to have  
21 probable cause to believe that they had  
22 committed a crime or were committing a crime,  
23 correct?

24 A Correct.

25 Q That would have to be more than

1 P.O. Adam Gorman

2 just the fact that they were on a corner in a  
3 high crime area, correct?

4 MS. JONES: Objection.

5 A As I stated before, being on the  
6 corner is not a crime.

7 Q Have you ever issued someone  
8 that you chased from a corner, either on  
9 Boston Street or somewhere else, a ticket or  
10 arrested them simply for blocking pedestrian  
11 traffic?

12 MS. JONES: Objection.

13 A I can't tell you. I'm not sure.  
14 I most likely have, but --

15 Q Let's go through a few more of  
16 these.

17 So this report is dated January  
18 1st, or I guess the evaluation period is  
19 January 1st, 2018, to January 31st, 2018, and  
20 it is Bates number City of Rochester 1116 to  
21 1117.

22 This one also has the evaluator  
23 who is, again, Nicholas Iccler, right?

24 A That is correct.

25 Q He, again, says he would like to

1 P.O. Adam Gorman

2 see you step up your proactive efforts during  
3 your down time when assigned to a beat,  
4 right?

5 A That is what it says.

6 Q So my question is, is it fair to  
7 say that your supervisors encourage you to be  
8 proactive during your assignments?

9 MS. JONES: Objection.

10 A I can't speak for my  
11 supervisors.

12 Q So there are a few of your  
13 evaluations that said that they would like  
14 you to be more proactive, correct?

15 A Correct.

16 Q Do you know how they measure the  
17 RPD, that is, how the RPD measures your level  
18 of being proactive or not?

19 A I don't know if or how they do  
20 it.

21 Q When you do these evaluations,  
22 do you have a discussion with Sergeant Iccler  
23 or whoever else has completed the evaluation?

24 A That I do.

25 Q Did he explain to you what he

1 P.O. Adam Gorman

2 meant in terms of wanting you to be more  
3 proactive?

4 A Sorry. I feel a sneeze coming.  
5 It held back.

6 If there was a discussion, I  
7 couldn't tell you the specifics of it.

8 Q I guess he says down below where  
9 he talks about the discussions, he says, "I  
10 spoke with Officer Gorman about addressing  
11 quality of life concerns and writing traffic  
12 tickets. The community is thankful for our  
13 efforts and this is an excellent way to  
14 develop contacts within the community."

15 Did I read that right?

16 A Yes, you did.

17 Q And does that refresh your  
18 recollection of any conversations that you  
19 had with Sergeant Iceler on this date or any  
20 other date?

21 A Not of any specific  
22 conversations, no.

23 Q In general, can you just tell me  
24 who Sergeant Iceler is? Is he like your  
25 supervisor?

1 P.O. Adam Gorman

2 A He was my immediate supervisor  
3 when I worked Clinton third platoon.

4 Q And, I'm sorry, so at that time  
5 you worked Clinton third.

6 What do you work now?

7 A I work Clinton first platoon.

8 Q What is the difference between  
9 third and first? The time of day that you  
10 work?

11 A Correct.

12 Q What time of day was third  
13 platoon?

14 A That is scheduled from 1500  
15 hours to 2315 hours.

16 Q And for those of us that weren't  
17 in the Army, 1500 would be 3:00 o'clock; is  
18 that right?

19 A Yes.

20 Q 3:00 p.m. to, I'm sorry, what  
21 was the end time?

22 A 11:15 p.m.

23 Q And is 11:15, that extra 15  
24 minutes, is that like a break period?

25 A No. The 15 minutes covers

1 P.O. Adam Gorman

2 overlap.

3 Q There is a 15-minute overlap  
4 between when there is a shift change?

5 A Correct.

6 Q What is the first platoon?

7 A The first platoon is from  
8 11:00 p.m. until 7:00 a.m.

9 Q When did you switch from first  
10 platoon to third platoon or was there  
11 something in between?

12 A Nothing in between. 2019, I  
13 believe.

14 Q Did you have any say in that  
15 switch or was that decision made for you?

16 A No. I had a choice.

17 Q You wanted to work overnights  
18 instead?

19 A Correct.

20 Q Can you explain why you wanted  
21 to work overnights?

22 A Less traffic.

23 Q But they want you to make more  
24 traffic stops and write more traffic tickets?

25 A There is less, but there is



1 P.O. Adam Gorman

2 still traffic.

3 Q More drunk drivers I would  
4 assume?

5 A Typically.

6 Q So back to the discussion.

7 He said in this evaluation,  
8 Sergeant Iceler, "Addressing quality of life  
9 concerns." So we talked about that a little  
10 bit before where you said examples would be  
11 traffic stops, clearing people from corners,  
12 and dealing with drug issues, right?

13 A Yes.

14 Q So if you are trying to deal  
15 with drug issues, for example, how would you  
16 do that during I guess what he is describing  
17 as your downtime when you are assigned to a  
18 beat?

19 A Well, if I am not taking calls  
20 for service, then I get -- I'm sorry. I have  
21 a sneeze coming. I can either address the  
22 known drug areas or I can drive around any  
23 neighborhood and actively seek out suspicious  
24 activity.

25 Q So when you say actively seek

1 P.O. Adam Gorman

2 out, can you describe that, what you mean?

3 A Well, I would drive my car  
4 around the block and look around.

5 Q If you saw something that you  
6 felt was suspicious, what would you do?

7 A Well, if I have time, I would  
8 inquire with said person about their behavior  
9 and/or activities.

10 Q To do that, you would drive up,  
11 park your car, and approach them?

12 A Yes.

13 Q Sometimes when you do that,  
14 would the person run from you?

15 A It has happened, yes.

16 Q In those circumstances where you  
17 see something that you think is suspicious,  
18 you want to speak with the person, you get  
19 out of your car and they run, have you ever  
20 chased them on foot in those circumstances?

21 A Not based solely on suspicion.

22 Q In circumstances where you have  
23 had more than just suspicion, you chased them  
24 on foot?

25 A I have.

1 P.O. Adam Gorman

2 Q And what would those additional  
3 things, other than just suspicion, have been?

4 A A variety of factors to include  
5 911 calls, my knowledge of the area or  
6 specific area, or specific body movements  
7 and/or motions being made by said person.

8 Q When you say body movements or  
9 motions, do you mean it would indicate that  
10 they might be selling drugs?

11 A That is one of the things that  
12 we look for. Yes.

13 Q And you described earlier the  
14 entire Clinton section as a high-drug crime  
15 area, correct?

16 A I'm sorry. Say that again.

17 Q Earlier you described the  
18 Clinton section as a high-drug crime area,  
19 correct?

20 MS. JONES: Objection.

21 A No, I did not.

22 Q You just described it as, I  
23 guess, violent?

24 A Yes, violent.

25 Q Would you also describe it as a

1 P.O. Adam Gorman

2 high-drug crime area?

3 A Some blocks, not all.

4 Q And so if you are on a high-drug  
5 crime block, you see someone that you think  
6 is suspicious and you pull up and you get out  
7 of your car and they run, is that enough for  
8 you to pursue them on foot?

9 MS. JONES: Objection.

10 A No, it is not.

11 Q What else would you need to  
12 pursue them on foot?

13 A Well, in my opinion, I would  
14 need to see definitive movements such as a  
15 drug sale, or a transaction I should say. Or  
16 we could have something if we have a 911  
17 caller calling in specific people and  
18 describing those people and their activities.

19 Q So if you have a description of  
20 a specific person someone says is selling  
21 drugs, you pull up, they run, then you can  
22 chase them?

23 A Their act of running is a factor  
24 in us chasing somebody. It does play a  
25 factor.

1 P.O. Adam Gorman

2 Q In your evaluation, Sergeant  
3 Iceler says, "The community is thankful for  
4 our efforts and this is an excellent way to  
5 develop contacts within the community."  
6 Right?

7 A Yes. That is what he said.

8 Q Do you feel like the community  
9 appreciates you and/or the police, generally,  
10 in the Clinton section?

11 MS. JONES: Objection.

12 A Do I feel like they appreciate  
13 me? I never took a survey, so I couldn't  
14 tell you.

15 Q Do you feel appreciated when you  
16 are on foot in the Clinton section by the  
17 community?

18 MS. JONES: Objection.

19 A Sometimes, sometimes not. It is  
20 very hit or miss. I have had people approach  
21 me and say we are glad you are here, thank  
22 you for your presence. And I have had people  
23 tell me to get out of here.

24 Q So sometimes when you stop  
25 people to talk to them they like it and

1 P.O. Adam Gorman

2 sometimes they don't?

3 A If I am just -- it depends what  
4 I am talking to them about.

5 Q And do you think the community  
6 is generally thankful to you and/or the RPD  
7 for their efforts as Sergeant Iceler says --

8 MS. JONES: Objection.

9 Q -- when you do proactive  
10 policing?

11 MS. JONES: Objection.

12 A I would assume so.

13 Q Have people told you that after  
14 you make a stop or something?

15 A You can say that.

16 Q How about after you stop  
17 someone? Have you ever had a situation where  
18 you stopped someone, put them in handcuffs,  
19 searched them, not found anything and  
20 released them? Have you had that situation?

21 A Yes.

22 Q Did any of those individuals  
23 ever tell you they appreciated that?

24 A I have had people tell me they  
25 appreciate us being out there and they

1 P.O. Adam Gorman

2 understand.

3 Q Yes. Those people would be the  
4 people that you stopped or like other people  
5 such as, I don't know, business owners?

6 A Both.

7 Q So you have had somebody that  
8 you have stopped, searched, and released tell  
9 you that they appreciated that?

10 A Yes, actually.

11 Q That they appreciated being  
12 released or that they appreciated the whole  
13 interaction?

14 A They appreciated that -- from my  
15 understanding of what they expressed to me,  
16 that they appreciate us doing a diligent job  
17 and serving the community.

18 Q And in the Clinton section, are  
19 the majority of the people that you stop and  
20 search black?

21 MS. JONES: Objection

22 A I think that is a fair  
23 assumption.

24 Q Is it a fair assumption because  
25 of the demographics of the Clinton section?

1 P.O. Adam Gorman

2 A Yes.

3 Q And from your personnel  
4 experience?

5 A Yes. That is correct.

6 Q And based on these evaluations  
7 where Sergeant Iceler said that he wants to  
8 see you do more proactive efforts during your  
9 downtime, in response to that, these  
10 evaluations, did you try to engage in more  
11 proactive policing as opposed to, I guess,  
12 responding to 911 calls?

13 A I honestly couldn't tell you a  
14 specific answer as to how I reacted to that  
15 individual evaluation.

16 Q But that there were a few  
17 evaluations that said that, right?

18 So, in general, are those  
19 evaluations an accurate representation of  
20 what your sergeants want you to do, that  
21 being more proactive policing?

22 A I think so.

23 Q That is something that is  
24 encouraged, not only for you, but other  
25 officers, at least in the Clinton section, to



1 P.O. Adam Gorman

2 do proactive policing?

3 MS. JONES: Objection

4 A Yes. Yes, it is.

5 Q Have you gotten any specific  
6 training doing proactive policing?

7 MS. JONES: Objection.

8 A Yes.

9 Q Would that be in-service  
10 training or something else?

11 A Well, we learn it in the academy  
12 and FTO.

13 (Reporter clarification.)

14 THE WITNESS: Field  
15 training.

16 Q So aside from the academy, have  
17 you gotten any, like, course work training --  
18 I guess what I am calling in-service  
19 training, and maybe that is inaccurate, like,  
20 where you attend a class about doing  
21 proactive policing?

22 MS. JONES: Objection.

23 A I don't recall a specific  
24 in-service. I have never been to a course if  
25 that is what you are asking, an additional

1 P.O. Adam Gorman

2 course for it, outside of the training, but I  
3 don't recall any in-service talking about --

4 Q And what type of things when  
5 you're in FTO were you taught about proactive  
6 policing?

7 MS. JONES: Objection.

8 A One of the major things that  
9 specifically when it comes to field training  
10 you learn the area. You know what spots are  
11 high crime. You know what spots are -- what  
12 behavior is normal at certain corner stores,  
13 what isn't.

14 Q So you learn the area. You  
15 learn what spots are high-crime areas within  
16 the area.

17 And do you learn things like the  
18 legal requirements to, for example, chase  
19 someone if you are suspicious about their  
20 activity?

21 A During field training, that is  
22 one of the things that you -- I don't want to  
23 say learn because you've already learned it  
24 at that point -- you reiterate.

25 Q And when you say you have

1 P.O. Adam Gorman

2 already learned it at that point, you meant  
3 in the academy?

4 A Yes. Correct.

5 Q So you learn the legal  
6 requirements in the academy and then you  
7 apply that during your field training with  
8 your FTO?

9 A That is correct.

10 Q And then if there a problem your  
11 FTO can critique you on the job. Say, oh,  
12 hey, you know, we forgot to think about X, Y,  
13 and Z, or, hey, you did a great job?

14 A That is correct.

15 Q Let's see. So I just want to go  
16 over a few more things in your file. So this  
17 one is dated February of 2018. And, again,  
18 it is Sergeant Iceler, and the date for the  
19 evaluation period. So the date of the  
20 document is February 24th, 2018. Evaluation  
21 period, 2/1 to 2/24.

22 And so since that was still a  
23 one-month evaluation, does that mean that you  
24 were still on probation at that point?

25 A I believe so.

1 P.O. Adam Gorman

2 Q So Sergeant Iccler goes over  
3 your military background and says that you  
4 can be very assertive, which can be confused  
5 as aggressive. And then he says, "I brought  
6 this to his attention and told Officer Gorman  
7 to be mindful of the words he chooses and the  
8 body language he displays."

9 Do you remember this evaluation  
10 with Sergeant Iccler?

11 A I don't.

12 Q Then he says he spoke with you  
13 about your level of assertiveness, though it  
14 is powerful and at times positive skill that  
15 needs to be harnessed. Oftentimes we're  
16 dealing with community members at their worst  
17 because of the circumstances. And if  
18 officer's safety allows we should always be  
19 trying to deescalate a situation, not  
20 escalate."

21 And does that refresh your  
22 recollection, Officer Gorman, at all about  
23 the particular evaluation?

24 A It does not.

25 Q I want to scroll up to this

1 P.O. Adam Gorman

2 report.

3 Now, this is dated January 16th,  
4 2020, and the rater's name is Augustine  
5 Gonzalez; is that right?

6 A Yes.

7 Q That is a different rater  
8 because you are now, at this point, in the  
9 first platoon?

10 A No. I am still on the third.

11 Q January of 2019, until December  
12 of 2019, looks like the evaluation period.

13 A Yes.

14 Q So you were on the third  
15 throughout all of 2019, still then?

16 A It looks like it.

17 Q I wasn't sure if maybe it was  
18 the third because that is where you started  
19 that year and maybe you switched in the  
20 middle. Or you don't remember?

21 A No. Probably until 2020.

22 Q So just a few questions here.

23 So it says for knowledge of  
24 department policies and procedures for  
25 officer safety generally and relations with

1 P.O. Adam Gorman

2 citizens you got a three out of seven, but  
3 higher marks in everything else; is that  
4 right?

5 A That is correct.

6 Q And after this evaluation, did  
7 you discuss that with Officer Gonzalez?

8 A Sergeant Gonzales, yes.

9 Q Do you know generally why that  
10 was that you received lower marks on those  
11 things?

12 A No, I do not.

13 Q If we go down here, it says, in  
14 area of performance which supervisor would  
15 like to see improvement, he says. "In some  
16 instances Officer Gorman is having a  
17 difficult time in following the RPD's use of  
18 force matrix. On at least two occasions  
19 Officer Gorman has used a higher level of  
20 force than necessary. The force wasn't  
21 excessive, but it was inappropriate."

22 And do you know what he is  
23 talking in that sentence, those couple of  
24 sentences?

25 A I don't know what instance he is

1 P.O. Adam Gorman

2 talking about.

3 Q You do or you don't?

4 A I do not.

5 Q And then he goes on to say,  
6 "Officer Gorman has been baited on several  
7 occasions in back and forth chatter that made  
8 him look unprofessional."

9 Does that refresh your  
10 recollection at all?

11 A It does not.

12 Q Then it says that you got  
13 training on deescalation techniques in  
14 September of 2019, by Sergeant McPherson,  
15 Sergeant Gonzalez, and the DT staff at the  
16 academy.

17 Do you remember that training?

18 A That, I do.

19 Q Is that training something that  
20 you would get a certificate for or not?

21 A No, it is not.

22 Q So why wouldn't you get a  
23 certificate for that training?

24 A Because it's an additional --  
25 it's just considered additional training.

1 P.O. Adam Gorman

2 It's not a course.

3 Q Additional training, what does  
4 additional training mean?

5 A It means you train more on  
6 whatever specific topic they feel you should  
7 improve on.

8 Q So if you need improvement, they  
9 may assign you to get additional training; is  
10 that right?

11 A Correct.

12 Q So here they felt like you  
13 needed additional training on use of force  
14 matrix because you used, in their opinion,  
15 inappropriate levels of force?

16 A That is what they said. Yes.

17 Q Hold on a second.

18 So also in praising you they  
19 say, "I have observed Officer Gorman conduct  
20 many pat down and searches and he is very  
21 thorough. I have also observed him research  
22 a suspect if he felt he didn't do a good  
23 enough job."

24 So he is praising you for that?

25 A Yes.



1 P.O. Adam Gorman

2 Q Is it important to be thorough  
3 and make sure if the bad guy has drugs or a  
4 weapon that you find it, right?

5 A Yes. Correct.

6 MS. JONES: Objection.

7 Q Skip up again a little bit here.

8 MS. JONES: Elliot, can you  
9 zoom any on this and make it a  
10 tad bigger, the font a little  
11 bigger?

12 MR. SHIELDS: Let me see if  
13 I can do that.

14 Does that make it bigger?

15 MS. JONES: Yes.

16 THE WITNESS: Yes, it does.

17 MS. JONES: Thank you.

18 Q So I went up to the first page  
19 here, Bates number City of Rochester 999.

20 So this is one of the additional  
21 training reports that we just spoke about; is  
22 that right?

23 A Yes, it is.

24 Q It is dated September 5, 2019,  
25 right?

1 P.O. Adam Gorman

2 A Yes.

3 Q So it says this is Sergeant  
4 McPherson. And who is Sergeant McPherson?  
5 What is his role?

6 A He is retired now. His role  
7 was -- I don't know his specific title, but  
8 he was involved in training at the police  
9 academy.

10 Q At the academy?

11 A Yes. Correct.

12 Q So when you went to the academy,  
13 he was one of the trainers?

14 A Correct.

15 Q Then he did these additional  
16 trainings also with you after you, you know,  
17 finished the academy?

18 A Correct.

19 Q So it said, "Clinton section,  
20 third platoon command contacted me several  
21 weeks ago and asked if I can provide some  
22 additional training to Officer Adam Gorman  
23 relating to professional communication and  
24 deescalation techniques." Right?

25 A Right.

1 P.O. Adam Gorman

2 Q And do you remember doing this  
3 training?

4 A Not this specific one.

5 Q Do you remember the additional  
6 trainings that you did in general?

7 A Yes, in general.

8 Q So would it be fair to say that  
9 it's like a step before being disciplined or  
10 is it like part of the RPD's disciplinary  
11 process?

12 A I do not think this is part of  
13 their disciplinary -- I never say it right --  
14 disciplinary process at all. I think this is  
15 just something that they throw in there.

16 Q So let's go down. Narrative  
17 continued. So Sergeant McPherson explained  
18 how and why he became involved in the  
19 training. You talked about the goals and  
20 benefits of deescalation and communication  
21 techniques.

22 Do you remember doing that with  
23 Sergeant McPherson?

24 A Vaguely.

25 Q And it says, "We discussed

1 P.O. Adam Gorman  
2 recognizing our own shortcomings, making some  
3 adjustments to help control the perceptions  
4 from the persons he comes into contact with."

5 Do you remember discussing that?

6 A The whole discussion is very  
7 vague in my memory.

8 Q Do you remember discussing your  
9 own shortcomings with him, what that might  
10 have been that you were talking about?

11 A A little bit.

12 Q Can you tell us about that  
13 conversation?

14 A In sum and substance, it was  
15 along the lines of talking to people with  
16 more sympathy.

17 Q And did you agree with Sergeant  
18 McPherson?

19 A I don't recall.

20 Q As we sit here today, do you  
21 agree with that assessment?

22 A I think it is based on  
23 perspective.

24 Q Do you have a different  
25 perspective today than you had at the time of

1 P.O. Adam Gorman

2 this additional training in 2019?

3 A Not necessarily.

4 Q You have more experience, right?

5 A Correct.

6 Q After you had this additional  
7 training, do you think you changed the way  
8 you communicated with people in the  
9 community?

10 A I don't this training is a --  
11 was a deciding factor to me.

12 Q Do you think the training was  
13 helpful?

14 A Yes. I think it was good to get  
15 another officer's perspective.

16 Q I will scroll down. I have a  
17 few more questions.

18 MS. JONES: Just for the  
19 record, we were talking about  
20 CR999 and CR1000, I believe.  
21 Yes. I wanted to be able to  
22 find it. Thank you.

23 MR. SHIELDS: You're  
24 welcome.

25 Q It says you talked about officer

1 P.O. Adam Gorman  
2 wellness and taking care of ourselves  
3 physically and mentally, especially when it  
4 comes to fatigue, and getting the right  
5 amount of sleep. And then it says that you  
6 went over a stress management Power Point  
7 presentation.

8 Did Sergeant McPherson feel like  
9 you were overly fatigued and stressed. Is  
10 that part of that?

11 MS. JONES: Objection.

12 Q If you recall?

13 MS. JONES: Objection.

14 A I don't remember what that  
15 specific -- those couple of sentences were in  
16 regards to.

17 Q I guess I was curious if that  
18 was something specific or if maybe this is  
19 something generally that is taught to other  
20 people as well during additional trainings.

21 MS. JONES: Objection.

22 A I don't know.

23 Q You don't know?

24 A I can't tell you.

25 Q I will skip ahead, but, just

1 P.O. Adam Gorman

2 generally, the next few pages, the next 40  
3 pages or so are handouts.

4 Are these handouts that were  
5 given to you at this training, if you  
6 remember?

7 MS. JONES: Objection.

8 A They would have been, but I  
9 don't specifically recall being handed this  
10 piece of paper.

11 Q If you have a training like this  
12 and there are handouts, do they give them to  
13 you to take home?

14 A Yes, they do.

15 Q Do you take them home or do you  
16 have a locker at the police department where  
17 you keep them or what do you do with them?

18 A I would normally keep them with  
19 me at home.

20 Q Is there any kind of requirement  
21 that you hold onto them or can you toss them  
22 when you go home if you want?

23 A I can toss them if I wanted.

24 Q On the subject of papers, in  
25 your time as a police officer with the

1 P.O. Adam Gorman

2 Rochester Police Department, are you required  
3 to carry around like a little notebook to  
4 write notes in when you are on duty?

5 A I don't know if it is a  
6 requirement by the department, but I don't  
7 know what every single officer does.

8 Q Are those little notebooks  
9 provided to you by the department?

10 A Yes, they are.

11 Q Do you have yours with you right  
12 now?

13 A I have one with me, yes.

14 Q Can you do me a favor and show  
15 me what it looks like?

16 A (The witness complied.)

17 Q It is basically something that  
18 somebody can buy from a store?

19 A Yes, very generic.

20 Q It doesn't say anything like  
21 Rochester Police Department on it or  
22 anything?

23 A It does not.

24 Q And it fits in your front pocket  
25 it looks like.



1 P.O. Adam Gorman

2 A Yes.

3 Q Is it your front pocket?

4 A Yes, it does, right there  
5 (indicating).

6 Q Thank you.

7 I'm going to go back to sharing  
8 my screen there.

9 MS. JONES: I guess I know  
10 this is video recorded, but do  
11 you want to mark for the record  
12 that Officer Gorman lifted the  
13 camera up so we could see his  
14 breast pocket and he indicated  
15 that the notebook was in his  
16 pocket?

17 MR. SHIELDS: You know, I  
18 was thinking about asking  
19 questions about that. I don't  
20 think we need to mark it as an  
21 Exhibit.

22 MS. JONES: Not as an  
23 exhibit. Just indicating what  
24 Officer Gorman did because this  
25 is a --

1 P.O. Adam Gorman

2 MR. SHIELDS: Oh, okay.

3 Yes. That is a good idea.

4 MS. JONES: I also want to  
5 note for the record that earlier  
6 you were scrolling COR1001 down  
7 to some number.

8 MR. SHIELDS: It was 1039 is  
9 where I believe the handouts  
10 from that first additional  
11 training concluded.

12 MS. JONES: Thank you.

13 Q And, Officer Gorman, here at the  
14 bottom here it says, "NYS Division of  
15 Criminal Justice Services, Office of Public  
16 Safety, copy right."

17 So does that indicate that the  
18 handouts that you received at that additional  
19 training or at least this one in particular  
20 was put together by DCJS?

21 A I would make that assumption  
22 based on that bottom line.

23 Q Thank you.

24 So now I am going to ask a few  
25 more questions about some of these additional

1 P.O. Adam Gorman

2 training reports. This one is dated March  
3 10th, 2020, and it says that it relates to, I  
4 believe, the two use of force incidents that  
5 we discussed on your evaluation from 2019,  
6 that were 10 days apart.

7 And looking just generally at  
8 this page, does this refresh your  
9 recollection about those incidents?

10 A Give me one second. Can I read  
11 it?

12 Q Sure.

13 A I don't recall it.

14 Q You don't.

15 You see the part, "We made him  
16 aware of additional scrutiny when using force  
17 on a rear-handcuffed subject, especially when  
18 the force results in an injury and how  
19 quickly and easily all force and  
20 training-related documents get FOIled."

21 A I do see that part.

22 Q Generally, is that a concern of  
23 the police department that the documents  
24 related to force incidents might become  
25 public?

1 P.O. Adam Gorman

2 MS. JONES: Objection.

3 A I can't speak on behalf of the  
4 Rochester Police Department, but I am sure  
5 they are aware.

6 Q And, FOIL, you understand that  
7 means the Freedom of Information Law?

8 A Yes, I do.

9 Q Let's go down. I think it talks  
10 about the incidents more specifically in the  
11 next few pages.

12 MS. JONES: For the record,  
13 we were talking about document  
14 Bates-stamped COR1040.

15 MR. SHIELDS: Thank you.

16 Q Now, I am going down to 1041.  
17 You read that page and let me know when you  
18 finish reading it.

19 A I will.

20 MS. JONES: Can you scroll  
21 up and show me the COR  
22 Bates-stamp?

23 MR. SHIELDS: 1041.

24 MS. JONES: 1041. Thank  
25 you.

1 P.O. Adam Gorman

2 Q My first question is, this  
3 document discusses how he review body-worn  
4 camera footage with you, correct?

5 A Yes.

6 Q How often do you review your  
7 body-worn camera footage after an incident?  
8 Is it something that is done in every use of  
9 force incident or something else?

10 MS. JONES: Objection.

11 A It is not required by the  
12 department. If you are talking -- are you  
13 talking about me personally?

14 Q Let's take that step-by-step.  
15 So are there times that you are  
16 required to review your body-worn camera  
17 footage of an incident?

18 A If a supervisor tells me to.

19 Q So there is no written rule that  
20 says every time, I don't know, for example,  
21 that you have to write a subject resistance  
22 report you are required to review your  
23 body-worn camera footage?

24 A Not that I know of.

25 Q So you said the only time that

1 P.O. Adam Gorman

2 you know of is if your supervisor tells you  
3 to review your body-worn camera footage.

4 That's the only time that you  
5 know of that you are required to do that?

6 A I believe so.

7 Q If you wanted to review your  
8 body-worn camera footage of an incident, is  
9 that available and accessible to you to do  
10 that?

11 A If it is mine -- I'm sorry. If  
12 it is my body-worn camera, then, yes, I can.

13 Q When you say your body-worn  
14 camera, do you have a specific device that is  
15 assigned to you?

16 A Yes, I do.

17 Q So you're always able to view  
18 your own body worn-camera footage?

19 A Yes.

20 Q When you do that, is that like  
21 on a specific computer in the police  
22 department or something?

23 A Yes. The only place I know of  
24 is from the computers at the police  
25 department.

1 P.O. Adam Gorman

2 Q Is there a special room or like  
3 a library or something? How do you do that?

4 A No. It is all done on a -- what  
5 is the term -- virtual desktop.

6 Q So it is like in the cloud?

7 A Essentially, yes.

8 Q Can you access that cloud like  
9 if you are at home and you dial in or do you  
10 have to be physically present at PSB?

11 A I believe you need to have --  
12 there is a program that you have to log into  
13 and I don't think it is a program that you  
14 can just download on the internet.

15 Q What is that program called?

16 A C3 Sentinal.

17 Q I am sure we can look that up.

18 This incident that you are  
19 discussing with it looks like Sergeant  
20 Michael Azzolina, did you review that  
21 body-worn camera footage prior to meeting  
22 with the sergeant?

23 A I have no idea.

24 Q What is your practice in terms  
25 of reviewing your own body-worn camera

1 P.O. Adam Gorman

2 footage of an incident?

3 A Typically, I will review it  
4 prior to completing a use of force report.

5 Q If you have an incident that  
6 doesn't involve a use of force, would you  
7 ever review your body-worn camera?

8 A I would.

9 Q And under what circumstances?

10 A When I don't remember what  
11 the -- the exact details.

12 Q So they are helpful to refresh  
13 your recollection when you are writing  
14 reports?

15 A That they are.

16 Q As part of your preparation for  
17 today, you said that you reviewed your  
18 body-worn camera of this incident, right?

19 A I did.

20 Q Did you do that in the way that  
21 you described previously logging into  
22 Sentinel or something else?

23 A In reference to being with  
24 corporation counsel or by himself?

25 Q Well, I don't want you to go



1 P.O. Adam Gorman

2 into any discussions or anything that you had  
3 with corporation counsel. You can say, I log  
4 in and I watched it on my own or you can say  
5 I watched it with corporation counsel.

6 A I did both.

7 Q You did both.

8 Here, it says sergeant has  
9 watched the body-worn camera with you, that  
10 the suspect baited you. He called you the  
11 F-word and boy. You responded back, "Boy,  
12 boy boy, you had your chance." You walked  
13 him to the car. It continued to be  
14 confrontational. And then you told him to  
15 get into the car. And when he didn't, two  
16 seconds later you deployed OC spray, right?

17 A Correct.

18 Q Can you tell me what the  
19 departmental policies are in terms of using  
20 OC spray?

21 MS. JONES: Objection.

22 A It is considered a use of force  
23 level two, so it can be used for  
24 noncompliance.

25 Q Is that one of the reasons it

1 P.O. Adam Gorman

2 can be used to gain compliance?

3 A Correct.

4 Q So that is why you used it in  
5 this situation?

6 MS. JONES: Objection.

7 A That is correct.

8 Q But your supervisor disagreed  
9 with that decision in that situation?

10 MS. JONES: Objection.

11 A It would appear so.

12 Q And after this additional  
13 training report, did you change your use of  
14 OC spray in any way in general?

15 MS. JONES: Objection.

16 A Not to my knowledge.

17 Q So would you say this additional  
18 training was helpful to you?

19 MS. JONES: Objection.

20 A I would say it was a valid point  
21 to bring up.

22 Q You learned from it?

23 MS. JONES: Objection.

24 A Yes.

25 Q You think in general it is

1 P.O. Adam Gorman

2 helpful to be able to review videos of  
3 incidents to learn from them?

4 A Yes.

5 Q Is part of any of the ongoing  
6 training that you have done, aside from the  
7 additional training reports, have you  
8 reviewed body-worn camera footage of  
9 incidents to learn from them?

10 A You will have to say it one more  
11 time.

12 Q Other than these additional  
13 training reports that we were reviewing in  
14 your time with Rochester Police Department,  
15 have you reviewed body-worn camera footage to  
16 analyze an incident to learn from it?

17 A I have watched body-worn camera  
18 footage from different officers around the  
19 country.

20 Q Throughout the country?

21 A Yes.

22 Q When you say that, do you mean  
23 that would include RPD officers or are you  
24 saying like when you are in a training they  
25 don't use RPD specific body-worn camera

1 P.O. Adam Gorman

2 footage?

3 A I am just, like, watching the  
4 show cops. I watch when they play body-worn  
5 camera footage and it is good training.

6 Q So that would be something that  
7 you do on your own, correct?

8 A Correct.

9 Q As part of any RPD training,  
10 in-service training, or something else, does  
11 the RPD show body-worn camera footage of  
12 incidents to review them generally with the  
13 department about what an officer did right or  
14 wrong?

15 A They have.

16 Q Can you give me an example?

17 A I remember this one. It was a  
18 southern trooper, like Alabama, pulled a  
19 gentleman out of a car during a traffic stop.  
20 I guess that is standard procedure for them  
21 down there. He punched her once in the face.  
22 She gets knocked out cold. And he attempted  
23 to use the weapon and drives off. Just kind  
24 of uses that as training as to why we don't  
25 let the people out of the car. Some states

1 P.O. Adam Gorman

2 prefer that. New York State, we train to  
3 keep them inside of the vehicle.

4 Q Thank you.

5 Other than body-worn camera from  
6 other locations around the country, does the  
7 RPD ever use body-worn camera footage from an  
8 RPD officer similar to what you just  
9 described from the southern officer?

10 A I don't think so.

11 Q Not that you remember?

12 A Not that I remember.

13 Q The training that you just  
14 described with the southern trooper, was that  
15 in-service training or something else?

16 A I think it was during the  
17 academy.

18 Q Just my last question about this  
19 one. I am not going to promise my last  
20 question, but is it a common occurrence that  
21 when you are arresting somebody they try to  
22 bait you like this person calling you the  
23 F-word and boy?

24 A All the time.

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 Q So that is why you think you  
3 received this additional training about  
4 trying to keep your cool and deescalate  
5 situations?

6 MS. JONES: Objection.

7 A Most likely.

8 Q Can you tell me what the RPD 's  
9 policy is generally about deescalation?

10 MS. JONES: Objection.

11 A They want us to escalate only as  
12 necessary and continue to deescalate at all  
13 possible times.

14 Q Do you know if that is in  
15 writing somewhere?

16 A I don't. I am paraphrasing.

17 Q Thank you.

18 So it looks like generally what  
19 Sergeant Azzolina was trying to emphasize  
20 here is just thinking about the totality of  
21 the circumstances of every situation.

22 Is that fair to say?

23 MS. JONES: Objection.

24 Q If we look at the continued  
25 narrative on page 1042.

1 P.O. Adam Gorman

2 A I agree.

3 Q And generally that applies not  
4 just in a use of force situation, but, you  
5 know, making stops or arrests, you have to  
6 always be aware of the totality of the  
7 circumstances.

8 Is that fair to say?

9 A Correct.

10 Q I will skip forward a little  
11 bit, but my questions are, before I skip to  
12 the next additional training report, these  
13 next few pages are handouts. These are  
14 handouts that were given to you after this  
15 additional training report, do you think?

16 A It looks like it.

17 Q It looks like there were two  
18 handouts.

19 The use of force matrix, is this  
20 the current use of force matrix, if you  
21 know, for the RPD?

22 A To my knowledge.

23 Q The next handout on page 1044,  
24 the force factor slash evidence --

25 MS. JONES: For the record,

1 P.O. Adam Gorman  
2 the use of force matrix is on  
3 1043.

4 MR. SHIELDS: Correct.

5 Q So then the next additional  
6 training report is dated --

7 MS. JONES: If we're going  
8 into the additional training  
9 report, do you mind if we take a  
10 little break?

11 MR. SHIELDS: Can we do it  
12 after this one? I mean, now is  
13 fine. I don't care. Whatever  
14 you want. I mean, I was  
15 thinking I would be done with  
16 the PDS file shortly, but --

17 MS. JONES: It looks like  
18 there are multiple --

19 MR. SHIELDS: Now is good.

20 Do you want to take a  
21 five-minute now and do you want  
22 to take a long lunch break or  
23 what do you want to do?

24 (A discussion was held off  
25 the record.)



1 P.O. Adam Gorman

2 (TIME NOTED: 11:31 a.m.)

3 (A brief recess was taken.)

4 Q Let me ask you, Officer Gorman,  
5 do you feel comfortable proceeding with your  
6 deposition?

7 A Yes.

8 Q I just don't want there to be  
9 any issues in the future. If you say, hey,  
10 look, I was up for a long period of time and  
11 I was too tired to answer questions. So as  
12 long as that is not the case, do you feel  
13 like we're good to go?

14 A Let's keep on trucking along.

15 MS. JONES: At some point I  
16 might need to stop and eat  
17 lunch.

18 MR. SHIELDS: Definitely.

19 MR. SHIELDS: We'll approach  
20 a natural breaking point. And I  
21 don't plan on going until 5:00  
22 p.m., so, you know.

23 (A discussion was held off  
24 the record.)

25 Q I am going to go back and ask a

1 P.O. Adam Gorman  
2 few more questions about your PDS file, not  
3 the entire rest of it, but I will go ahead to  
4 page -- let me see here. I might as well ask  
5 about that one too.

6 This is page 1045 of the City's  
7 production, again, Exhibit A.

8 This is another additional  
9 training report dated 12/4/19, correct?

10 A Correct.

11 MS. JONES: Can you zoom in  
12 more? It was a little larger  
13 last time and that was ideal.

14 Q So can you read this and tell me  
15 when you are done reading this page, Officer?

16 A Yes, I will.

17 Q Just in general the incident  
18 that this additional training report is about  
19 involved a handcuffed suspect that was  
20 refusing to enter the vehicle and you  
21 delivered three knee strikes to the back of  
22 his thigh; is that right?

23 MS. JONES: Objection.

24 A Correct.

25 Q And so, in general, these two

1 P.O. Adam Gorman

2 additional training reports involved  
3 handcuffed suspects that you had used force  
4 against, right?

5 MS. JONES: Objection.

6 A Correct.

7 Q And so they gave you these  
8 additional trainings and asked you to  
9 familiarize yourself with more appropriate  
10 techniques in general.

11 Is that fair to say?

12 MS. JONES: Objection.

13 A Correct.

14 Q This is a separate additional  
15 training report on page 1046. It is dated  
16 October 30th, 2018.

17 And, let's see, does it says who  
18 the sergeant was that did this with you?  
19 Sergeant Jason Rudolph.

20 Who is Sergeant Jason Rudolph?

21 A He was a Clinton third boss for  
22 a short period of time.

23 Q So sometimes these additional  
24 trainings would be done by the section  
25 supervisors?

1 P.O. Adam Gorman

2 A Correct.

3 Q Can you read this one and let me  
4 know when you are done reading it?

5 A Will do. Okay.

6 Q So, in general, this one  
7 involved an arrest for an OGA that your  
8 supervisor later determined you lacked  
9 probable cause to file those charges; is that  
10 fair?

11 MS. JONES: Objection.

12 A Correct.

13 Q So it says, as we discussed a  
14 little bit earlier, there was a situation  
15 where you arrived at a scene, spoke with  
16 someone, and they ran from you, and you  
17 pursued them; is that right?

18 A You failed to mention there was  
19 a 911 call describing that, but, yes.

20 Q Here there was a 911 call.

21 Earlier we were discussing  
22 situations where there was no 911 call,  
23 right?

24 A Correct.

25 Q So it says here there had been a

1 P.O. Adam Gorman  
2 description. You pulled up. You observed  
3 the male described by the caller standing  
4 with someone else. Upon arrival you told  
5 them to take their hands out of their pockets  
6 at which point the male, who was not  
7 described in the original call, took off  
8 running; is that correct?

9 MS. JONES: Objection.

10 A That's correct.

11 Q So you chased that guy, took him  
12 into custody, searched him. He didn't have  
13 anything, but you arrested him for OG anyway,  
14 right?

15 MS. JONES: Objection.

16 A Correct.

17 Q Can you tell me, in general,  
18 during this initial training, what did you do  
19 with Sergeant Rudolph to review this  
20 particular incident?

21 MS. JONES: Objection.

22 A I don't recall.

23 Q You had a conversation?

24 A I would imagine so.

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 Q Did you watch the body-worn  
3 camera with him?

4 MS. JONES: Objection.

5 MR. SHIELDS: Peachie, like,  
6 you can just say ongoing  
7 objection, but, you know, first  
8 of all, the questions are not  
9 objectionable.

10 Second of all, if you say  
11 ongoing objection to this line  
12 of questioning, you know, you  
13 don't interrupt the deposition.  
14 It goes a lot quicker.

15 MS. JONES: Well, I don't  
16 have to object to every  
17 question. I feel like it should  
18 be noted which question I  
19 specifically object to.

20 MR. SHIELDS: I asked him,  
21 did you review the body-worn  
22 camera footage with Sergeant  
23 Rudolph?

24 MS. JONES: About this  
25 particular incident?

1 P.O. Adam Gorman

2 MR. SHIELDS: Correct.

3 MS. JONES: Yes. I have no  
4 objection to that.

5 A I don't recall if I watched it  
6 with him.

7 Q Let's put it on the next page  
8 and see.

9 Can you read this page, which is  
10 CR 1047, and tell me when you are done  
11 reading that page?

12 A Okay.

13 Q One of the things that Sergeant  
14 Rudolph says that he discussed with you was  
15 how taking your time can help in situations  
16 like that; is that correct?

17 A Yes. He does describe that.

18 Q Do you agree with that?

19 A Generally speaking, yes.

20 Q Sometimes you may have  
21 disagreements with sergeants who are not in  
22 the field on a day-to-day basis and what they  
23 tell you to do when you're in a situation.

24 Have you ever had that  
25 situation?

1 P.O. Adam Gorman

2 MS. JONES: Objection.

3 A I have.

4 Q But here you agree with him?

5 A I do not, but --

6 Q So you think that in this  
7 situation taking a little extra time it  
8 wouldn't have really made a difference?

9 A I don't think there was a lot of  
10 time to be had.

11 Q When you do these additional  
12 trainings, are they all done in one place or  
13 you said that, for example, was with the  
14 Clinton section. So my question is where  
15 these additional trainings would happen.

16 A Typically at the Clinton section  
17 office.

18 Q They are like a classroom  
19 training?

20 A Conference room.

21 Q I guess my question is, do you  
22 ever do any type of scenario-based training  
23 during these additional trainings?

24 A We have.

25 Q When you do scenario-based



1 P.O. Adam Gorman

2 training, is it like officers interacting and  
3 role play?

4 A Yes.

5 Q Does the RPD have any simulators  
6 that you do for training purposes?

7 A They do.

8 Q What types of simulation-based  
9 training does the RPD provide?

10 A I don't know the name of it.  
11 It's actually a screen that has a prerecorded  
12 video, I suppose you would say, and you sit  
13 there and you talk to the screen. It is not  
14 interactive. It is not AI by any means, but  
15 you talk to it as if it is a real person and  
16 you address it as the scenario plays out  
17 whether or not that becomes violent, whether  
18 the person cooperates, or whether you need to  
19 go hands-on, use deadly physical force. It  
20 has multiple situations.

21 Q Just so I understand, it is  
22 basically just a screen and you talk to it,  
23 but you said it is not interactive, right?

24 A Correct.

25 Q So I am assuming that -- I don't

1 P.O. Adam Gorman

2 want to assume anything. I am trying to  
3 understand here.

4 So if you make one choice, let's  
5 say, if it is a yes-or-no question, if you  
6 say "yes," would there be a sergeant or  
7 somebody that would click a button and make  
8 the simulation?

9 A I'm not trained in it, but my --  
10 from my understanding, that is how it is. It  
11 can be altered based on the person  
12 controlling the program.

13 Q But it requires, as far as you  
14 understand, an additional person to put in a  
15 prompt based on how you react to the video?

16 A Correct.

17 Q Have you used the  
18 simulation-based training for anything?

19 A Yes.

20 Q What types of things have you  
21 done simulation-based training for?

22 A Just overall training. I don't  
23 exactly remember when.

24 Q I guess my question is, for a  
25 use of force incident, have you used

1 P.O. Adam Gorman

2 simulation-based training?

3 A We have used it for use of force  
4 training, yes.

5 Q Like, I guess my question is,  
6 what topics have you used the simulator for  
7 for training purposes?

8 A Deescalation is one of them.

9 Q Anything else that you remember?

10 A Deadly physical force. We use  
11 them as shoot scenarios.

12 Q If you are doing a use of force,  
13 a deadly use of physical force situation for  
14 a shoot situation with a simulator and you  
15 have to decide whether or not to shoot, but  
16 it is not interactive, do you yell out like,  
17 shoot it, before you are going to shoot? How  
18 does that work?

19 A So it is not -- I should  
20 clarified. It is not voice interactive, but  
21 the side arm, the pistol that we are given,  
22 it is -- it has a laser so it can shoot at  
23 the screen and I think it registers if you  
24 hit the target and then the computer will  
25 automatically prompt it to whatever the next

1 P.O. Adam Gorman

2 screen would be, so someone falling down  
3 after being shot, hypothetically.

4 Q So it is like a low-attack video  
5 game sort of?

6 A Like Duck Hunter, yes.

7 Q You said deescalation, deadly  
8 physical force.

9 Anything else that you remember  
10 training on the simulator for?

11 A Not in particular.

12 Q Specifically, you have never  
13 done any training involving use of force with  
14 a dog, have you?

15 A No.

16 Q So no assimilation training for  
17 a dog?

18 A Not that I remember.

19 Q Other than deadly physical  
20 force, and I'm sorry if I already asked this,  
21 deescalation, any other topics that you  
22 remember using the simulation for?

23 MS. JONES: Objection.

24 A No, I don't think so.

25 Q Is the simulator used as part of

1 P.O. Adam Gorman

2 these additional trainings or something else  
3 or both?

4 A It can be used as initial or  
5 additional training.

6 Q You said initial; is that right?

7 A Yes. Such as training during  
8 academy.

9 Q So you did simulation training  
10 in the academy?

11 A Yes.

12 Q How about in-service training?

13 A I think we have. I think we  
14 have done it for in-service training.

15 Q How about, have you done any  
16 mental health-based scenarios dealing with a  
17 person dealing with mental health issues?

18 A Yes.

19 Q On the simulator?

20 A Yes.

21 Q I will scroll down here.

22 On page 1048, type of training,  
23 it says five, in parentheses, prism scenarios  
24 in three simulation exercises.

25 So my first question is, is

1 P.O. Adam Gorman

2 prism the simulation or something else? Do  
3 you know what that is?

4 A That is the program.

5 Q Okay.

6 A The simulation.

7 Q So prism is what is projected up  
8 or the name of the company?

9 A I am speculating. I would say  
10 to me it is the program.

11 Q They say prism. Here in the  
12 highlighted part, it says this first part of  
13 the training was in the prism room.

14 Does that mean there is a room  
15 where that simulator is where you go to do  
16 that training?

17 A Yes.

18 Q Where is that? Is that at PST  
19 or somewhere else?

20 A No. It's at PSTF, 11  
21 Scottsville Road.

22 Q PSTF, the training center?

23 A Correct.

24 Q That is not just for the RTP?  
25 That is for other departments as well?

1 P.O. Adam Gorman

2 A I have no idea.

3 Q But the training center, is that  
4 the training center where you did your  
5 academy training also, correct?

6 A Correct.

7 Q That training center is used by  
8 more than just the Rochester Police  
9 Department, correct?

10 A Correct.

11 Q Then it said the second part of  
12 the training was in the DT Lab 2020.

13 What is the DT Lab?

14 A Defensive tactics.

15 Q Is that also at the training  
16 center?

17 A Yes, it is.

18 Q What is the DT Lab, just a room?

19 A Just a room with pads in it.

20 Q So a padded room?

21 A Correct.

22 Q So in that padded room, is that  
23 where you would do role-playing scenarios?

24 A Yes.

25 Q Do you think that the

1 P.O. Adam Gorman

2 simulation-based training is effective?

3 A I think so.

4 Q You think it would be good to  
5 have more of it?

6 MS. JONES: Objection.

7 A I would love to see more of it.

8 Q You would love to see more of  
9 it?

10 A Yep.

11 Q Can you explain that a little?

12 A It is good training. It is --  
13 the program is outdated, but it is -- with  
14 the amount of scenarios that it offers with  
15 limited personnel that it takes to run it, I  
16 think it is very useful training that can  
17 open your eyes to multiple scenarios,  
18 including low-light scenario or fast-paced  
19 work, slow paced, anything. All it takes is  
20 one man to operate.

21 Q It sounds like the concept is  
22 great and you would like a newer program that  
23 works better and has more different types of  
24 a scenarios; is that fair?

25 MS. JONES: Objection.



1 P.O. Adam Gorman

2 A I think that is a fair  
3 statement.

4 Q Like an upgraded program would  
5 be good?

6 A I would say so.

7 Q Have they had the same program  
8 since you began working at the RPD?

9 A I could not tell you.

10 Q When is the last time that you  
11 used the prism simulator?

12 A I think it was this training.

13 Q Back in 2019?

14 A Yes.

15 Q Is that the same prism  
16 simulation that you used during the academy?

17 A From what I recall, yes.

18 Q So from at least 2016 to '19,  
19 it's the same program as far as you know?

20 A Yes.

21 Q You like the program for one of  
22 the reasons being that it's similar to a  
23 real-world scenario without the risks.

24 Is that a fair statement?

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 A Yes.

3 Q And it is easy to use and  
4 doesn't require a lot of manpower?

5 A Yes.

6 Q Sounds like a lot of great  
7 reasons. I'm sorry to beat a dead horse.

8 In total, how many times do you  
9 think you have used the prism simulation  
10 training?

11 A Twice.

12 Q Just is that twice in addition  
13 to your academy training or twice after the  
14 academy?

15 A Twice total completely.

16 Q The academy and then afterwards?

17 A Right.

18 Q The academy and then during this  
19 additional training?

20 A Correct.

21 Q You thought it was effective I  
22 would assume then during the additional  
23 training?

24 A Yes.

25 Q Do you have any idea of what

1 P.O. Adam Gorman

2 other officers think about the simulation  
3 training?

4 MS. JONES: Objection.

5 A I don't, actually.

6 Q Do you play video games?

7 MS. JONES: Objection.

8 A Not usually.

9 Q Not usually.

10 Do you play Call of Duty every  
11 once in a while or anything like that?

12 A Not in probably the past five  
13 years.

14 Q Okay. You don't have, like, a  
15 twitch?

16 MS. JONES: Objection.

17 A I have no idea what a twitch is.

18 Q Do you have any kind of, like,  
19 online game handle where you play video games  
20 online with other people?

21 MS. JONES: Objection.

22 A I am probably the youngest  
23 person in this room, but what is a handle?

24 A It is, you know, like an online  
25 user name. Like, sometimes people have a

1 P.O. Adam Gorman

2 Twitter account with a different name than  
3 their, you know, personal government given  
4 name.

5 A Oh, like -- okay. No. I -- no.

6 Q On the subject of social media,  
7 do you use social media at all?

8 A No.

9 Q Do you have a Facebook account?

10 MS. JONES: Objection.

11 A I do not.

12 Q Do you know what the  
13 department's policies are, if any, about  
14 using social media?

15 MS. JONES: Objection.

16 A From my understanding, you just  
17 cannot represent the police on social media  
18 in any manner unless authorized to do so.

19 Q So you are allowed to have your  
20 own account if you want?

21 A Correct.

22 Q You choose not to have at least  
23 a Facebook account, right?

24 A Correct.

25 Q Do you maintain any other

1 P.O. Adam Gorman

2 accounts or media platforms?

3 A No.

4 Q No Twitter?

5 MS. JONES: Objection.

6 A No.

7 Q No Instagram?

8 MS. JONES: Objection.

9 A No.

10 MR. SHIELDS: And just for  
11 the record, he nodded his head  
12 "no" to both of those questions,  
13 but for the record, if you can  
14 answer verbally so that she can  
15 write it down.

16 A No. I do not have any social  
17 media.

18 Q So the purposes of all of these  
19 trainings and these additional trainings is  
20 to make sure that you understand and comply  
21 with the Rochester Police Department's policy  
22 and procedures, right?

23 A Correct.

24 Q And the laws for the state of  
25 New York?

1 P.O. Adam Gorman

2 A Correct.

3 Q I may have asked this earlier.

4 After you were hired by the RPD,  
5 is there any requirement that you sit down  
6 and familiarize yourself with the specific  
7 policies and procedures of the Rochester  
8 Police Department?

9 A Yes.

10 Q How do they ensure that you have  
11 done that? Is there any testing or anything  
12 like that?

13 A There is no specific written  
14 examination.

15 Q Would that be more on-the-job  
16 training then?

17 A Yes.

18 MS. JONES: Since you are  
19 done with Exhibit A, can you  
20 make sure you send me a copy of  
21 that exhibit?

22 MR. SHIELDS: I will send  
23 you copies of all of the  
24 exhibits from today as well as  
25 the court reporter.

1 P.O. Adam Gorman

2 Do you want them before I  
3 send them to the court reporter  
4 and she sends them back to us  
5 marked?

6 MS. JONES: Yes. That would  
7 be helpful.

8 MR. SHIELDS: Sure. No  
9 problem.

10 (Warrant List Entries  
11 Training Bulletin L1597 marked  
12 as Plaintiff's Exhibit B for  
13 identification, as of this  
14 date.)

15 Q Now, I want to go through some  
16 of those policies with you that the City  
17 produced in discovery. So the next one is  
18 going to be Exhibit B. It is Warrant List  
19 Entries Training Bulletin L1597, so let me  
20 put it up and I will give you Bates numbers.  
21 So Bates number 1169 to 1170.

22 My first question for you,  
23 Officer Gorman, is this a document that you  
24 have seen before?

25 A It looks familiar.

1 P.O. Adam Gorman

2 Q Do you remember, can you tell  
3 me, generally, the legal requirements for  
4 entering a property without a warrant?

5 A Two circumstances; a hot  
6 pursuant or exigent circumstances.

7 Q How is hot pursuant and exigent  
8 circumstances, how are they different?

9 A Hot pursuit is I am actively  
10 pursuing somebody that has committed a crime  
11 or I had reason to detain or arrest that  
12 person. So that would be I am, for example,  
13 a couple of feet away running after them and  
14 following their trail, their path.

15 Exigent circumstances, the  
16 difference would be there is no -- I do not  
17 believe -- or I'm sorry. I do not know for  
18 sure there is a crime being committed, but I  
19 do believe that someone is in danger, so I  
20 must actively enter the premises to present  
21 that.

22 Q So hot pursuit, that would end  
23 at some point, right?

24 A After the pursuit is concluded,  
25 generally.



1 P.O. Adam Gorman

2 Q Can you explain what you mean by  
3 generally?

4 A After the suspect has been  
5 caught, there are still tasks that need to be  
6 completed immediately after a pursuant to  
7 include securing evidence. Those -- it is  
8 pertinent and time sensitive to do so to make  
9 sure there is a solid chain of custody for  
10 any potential evidence that is being  
11 collected.

12 Q Evidence or potential evidence,  
13 right?

14 A Correct.

15 Q Sometimes there is no evidence.

16 A Sometimes.

17 Q Let's review this document,  
18 Exhibit B.

19 So this describes a Supreme  
20 Court case from 1984, Welsh v. Wisconsin,  
21 where it says the Supreme Court disallowed a  
22 warrantless entry in order to make an arrest  
23 for a non-jailable traffic offense classified  
24 as a civil offense. It says, "It is clear  
25 under the Welsh case that once the violation

1 P.O. Adam Gorman

2 is abated there is no justification for entry  
3 into the house unless you have a warrant or  
4 consent."

5 Did I read that right?

6 A I believe so, but I am going to  
7 stop you there.

8 Can someone explain to me  
9 abated?

10 Q Yes. Abated means once the  
11 violation is abated. So it is not ongoing  
12 anymore. So here they are talking about a  
13 non-jailable traffic offense, so they are  
14 saying that it is no longer occurring.

15 A Okay.

16 Q So after reading that  
17 definition, do you still agree with your  
18 prior description of hot pursuit and what has  
19 to be completed immediately afterwards?

20 A Yes, I do.

21 Q If completing your search would  
22 require entry into someone else's property,  
23 does the Welsh case require that you either  
24 have a warrant or consent?

25 A It is open for interpretation.

1 P.O. Adam Gorman

2 Q How is it open for  
3 interpretation?

4 A Where you enter on the property.

5 Q Okay. What types of factors  
6 would you be looking for?

7 A I would be looking for public  
8 access. I would be looking for the amount of  
9 resources that we have to secure the area. I  
10 would also be looking for the reasonable area  
11 to be looking at. Am I looking a kilometer  
12 down the road, you know, in someone's farm  
13 field or am I looking five feet away?

14 Q If you are five feet away, maybe  
15 you would be able to see whatever you are  
16 looking for?

17 A Possibly.

18 Q This document goes on to  
19 describe a couple of circumstances that would  
20 not allow you to enter onto the property  
21 without a warrant and consent, right?

22 A person who loiters in a public  
23 area and then runs into the residence or  
24 someone who violates an open container law  
25 observes the police and then takes refuge in

1 P.O. Adam Gorman

2 their home, so you couldn't go into their  
3 property in those circumstances, right?

4 A Based on this court case,  
5 correct.

6 Q When the Supreme Court issues an  
7 opinion about a policing issue, you have to  
8 comply with the case law, right?

9 A Correct.

10 Q That is what they teach you in  
11 the academy?

12 A That's correct.

13 Q It goes on to say that,  
14 "Additionally, according to General Order  
15 415, if the minor violation continues, such  
16 as loud music from inside the home, the  
17 exigent circumstances exception would not be  
18 applicable because it is a minor offense."  
19 Correct?

20 A Correct.

21 Q Can you tell me on what types of  
22 offenses does the RPD consider a minor  
23 offense?

24 A I don't know specifically as to  
25 what the department would consider minor. I

1 P.O. Adam Gorman

2 think that all depends on who is looking at  
3 the offense. Loitering is a minor defense by  
4 definition, but it is a major nuisance to  
5 people that have to live in a neighborhood  
6 every day day-in and day-out.

7 Q It is something that, for  
8 example, your supervisors, according to your  
9 PDFs file, say, hey, look, these quality of  
10 life issues are a big deal for the people in  
11 the community, right?

12 A Correct.

13 Q Even though under some  
14 circumstances they might be considered a  
15 minor offense, right?

16 A Correct.

17 Q So it looks like there are three  
18 examples here, at least, right? Loitering,  
19 open container law. And what is this third  
20 one, loud music? Those would all be minor  
21 offenses, right?

22 A In a general sense, yes.

23 Q Those would all be things that  
24 you could just issue a ticket for, right, and  
25 let the person go?

1 P.O. Adam Gorman

2 A Yes.

3 Q So ticketable offenses might be  
4 something that you can define as a minor  
5 offense as opposed to something that you  
6 would be required to take the person into  
7 custody?

8 A I disagree.

9 Q There are ticketable offenses  
10 that are not minor offences?

11 A Yes.

12 Q Can you give me some examples?

13 A Well, for example, DWI, I  
14 consider that a pretty serious offense.

15 Q You can give someone a ticket  
16 for a DWI and let them drive away?

17 A Not drive away, but they are not  
18 going to jail. It is not jailable.

19 Q Other than driving offenses, do  
20 you have any other examples?

21 A Yes. Bail reform. I mean, this  
22 isn't exactly relevant to our current  
23 situation, but we give nearly everybody  
24 tickets now.

25 Q So now there are offenses for

1 P.O. Adam Gorman

2 which you have to give tickets instead of  
3 arresting the individual and bringing them to  
4 PSD?

5 A Correct.

6 Q So you have to issue them a  
7 ticket at the scene instead of taking them in  
8 your car downtown?

9 A If possible, yes.

10 Q And can you give me an example  
11 of something that previously you would have  
12 arrested someone for but now you give them a  
13 ticket?

14 MS. JONES: Objection.

15 A We can go with nondomestic,  
16 assault third.

17 Q How about things from before  
18 bail reform?

19 MS. JONES: Objection.

20 Q Ticketable offenses that were  
21 non-minor?

22 MS. JONES: Objection.

23 A Not off the top of my head.

24 Q If we go down here and look, it  
25 goes on to explain some factors identified by

1 P.O. Adam Gorman

2 different lower courts and mentioned by the  
3 Supreme Court about what might constitute  
4 exigent circumstances for a warrantless  
5 entry, right?

6 A Yes.

7 Q Seriousness of the offense. So  
8 the more serious the crime, right, that plays  
9 into exigent circumstances? If you think the  
10 person is armed, right? Strong probable  
11 cause the suspect committed to the crime and  
12 is on the premises, likelihood of escape,  
13 entry can be made peaceably, and the time  
14 between the occurrence and the entry, right?

15 A Yes.

16 Q That goes on to explain further  
17 in General Order 415 that if a violation or  
18 other minor offense has occurred and the sole  
19 purpose for the warrantless entry is to make  
20 an arrest or serve an appearance ticket, the  
21 exigent circumstances exception would not be  
22 applicable, right?

23 A I am just reading it over. Yes.

24 Q Then it goes down to explain  
25 there must be probable cause for a



1 P.O. Adam Gorman

2 warrantless entry leading you to believe  
3 that, one, a crime, a misdemeanor or a  
4 felony, has been or is being committed and,  
5 two, that if immediate action is not taken  
6 the crime will be completed, or you have  
7 reasonable suspicion that you or others will  
8 suffer physical injury or death, or you will  
9 have reason to believe that evidence of the  
10 crime will be destroyed or otherwise lost,  
11 right?

12 A Correct.

13 Q That requires two things, right?  
14 One, probable cause to believe that a crime  
15 has been or is being committed and, two,  
16 right, if you don't do something immediately,  
17 for example, evidence might be destroyed,  
18 right?

19 A Correct.

20 Q Then it goes on to specify that  
21 you should assume that you can't use this  
22 exemption in other than extremely unusual  
23 circumstances, right?

24 MS. JONES: Objection.

25 A Yep.

1 P.O. Adam Gorman

2 Q Such as entering a home in the  
3 pursuit of an armed fleeing felon, right?

4 A Correct.

5 Q Or when you are legally at a  
6 premises investigating a minor matter and you  
7 hear what you appear to be sounds,  
8 conversations, or the like leading you to  
9 conclude that a serious physical injury crime  
10 is occurring or about to occur, in those  
11 circumstances you may enter the premises and  
12 terminate said crime, right?

13 A Correct.

14 Q After reading that, you remember  
15 the incident that happened on October 19th,  
16 2022? I'm sorry. October 19th, 2018.

17 A Yes, I do.

18 Q The subject of this lawsuit.

19 So how does the entry into  
20 Mr. Dempsey's yard fall within the legality  
21 outlined in Exhibit B here, warrantless  
22 entries with or without exigent  
23 circumstances?

24 A I believe we needed to secure  
25 the evidence or potential evidence in the

1 P.O. Adam Gorman

2 backyard of Mr. Dempsey's residence.

3 Q That being the case, how does  
4 that fit within -- so that would be one  
5 factor, right, of these two? You had to have  
6 probable cause, so that's the second factor,  
7 right? That if immediate action is not taken  
8 the evidence might have been destroyed?

9 A Correct.

10 Q So what led you to think that if  
11 immediate action wasn't taken that the  
12 evidence might be destroyed?

13 A Well, for starters, no officer  
14 was near it, near any potential evidence, had  
15 not located it. It is also outside, so  
16 weather-induced. And, obviously, it is  
17 outside, which means animals are at easy  
18 access to said evidence or potential evidence  
19 and could, for lack of a better term, scurry  
20 away with it. It is a possibility  
21 nonetheless.

22 Q So you had probable cause you  
23 think to believe that something needed to be  
24 done immediately?

25 A Yes.

1 P.O. Adam Gorman

2 Q Did you have probable cause to  
3 believe that a crime was being committed on  
4 that property?

5 A Yes.

6 Q So just potentially having maybe  
7 some contraband on someone's property  
8 constitutes a crime?

9 MS. JONES: Objection.

10 A I was assisting another officer  
11 in-taking some people who were running from  
12 custody. Was there reasonable belief for  
13 those people committing a crime was not  
14 witnessed by myself, so I cannot say. I was  
15 assisting for the crime.

16 Q I'm sorry. But that didn't  
17 answer the question.

18 MR. SHIELDS: Move to strike  
19 that answer as nonresponsive.

20 Q So my question is just if you  
21 think that there might be contraband located  
22 on someone's property, is that alone probable  
23 cause to believe that a crime is being  
24 committed on that property?

25 A If I think that there is or do I

1 P.O. Adam Gorman

2 know?

3 Q I am talking about the  
4 circumstances of this case.

5 So you did not know that there  
6 was contraband on the property because, in  
7 fact, there was no contraband, correct?

8 A No. There was no contraband,  
9 correct.

10 Q Did it magically disappear at  
11 some point between when officers were able to  
12 search the property and when Algarin jumped  
13 the fence?

14 MS. JONES: Objection.

15 A I don't think it took  
16 precedence.

17 Q You don't think that the  
18 potential contraband took precedence. You  
19 were searching for other things on the  
20 property instead?

21 A I was more concerned about a  
22 wounded dog and a distressed person.

23 Q Two distressed people?

24 A I suppose so.

25 Q So just going back to the

1 P.O. Adam Gorman  
2 specific question, though, in the  
3 circumstances of this case where you thought  
4 that there might be, but you did not know  
5 whether there was, in fact, any contraband on  
6 the property, just the suspicion that there  
7 might be, is that enough to give you probable  
8 cause to believe that a crime is being  
9 committed on that property?

10 A The suspicion alone, the answer  
11 would be "no", but I also believe that that  
12 was in the direct path of the subject.

13 Q So this says here on this  
14 training bulletin that you have to have  
15 probable cause to believe that a crime, a  
16 misdemeanor or a felony, has been or is being  
17 committed on the property, right?

18 A Correct.

19 Q So how does your belief that  
20 that might have been the path that the person  
21 you detained, how does that fit within the  
22 parameters of this training bulletin?

23 A Because the possession of drugs  
24 obviously can vary, even in small amounts can  
25 change a violation to a misdemeanor or a

1 P.O. Adam Gorman

2 felony, and that evidence had crossed over,  
3 in my belief, Mr. Dempsey's backyard.

4 Q So if evidence crossed over  
5 someone's property, then you have probable  
6 cause to believe that you can enter the  
7 property?

8 A That it was -- if it is in the  
9 direct path, yes, of their pursuit and it is  
10 immediately thereafter, yes, I do.

11 Q So that gives you probable cause  
12 to believe that a crime has been or is being  
13 committed?

14 A Yes.

15 Q That if immediate action isn't  
16 taken that evidence might be destroyed?

17 A Correct.

18 Q Did you ever try to figure out  
19 how long it would have taken to walk to the  
20 front door of Mr. Dempsey's house to ask his  
21 consent to enter his property?

22 A I did not.

23 Q If you had to estimate how long  
24 it takes to walk from someone's backyard to  
25 their front door, how long do you think that

1 P.O. Adam Gorman

2 would take?

3 MS. JONES: Objection.

4 A Maybe a minute.

5 Q If I told you that Officer  
6 Sobieski's body-worn camera shows that it is  
7 about 15 seconds, does that sound  
8 unreasonable?

9 A It does not.

10 Q If it takes between 15 seconds  
11 and one minute, is that an unreasonably long  
12 amount of time?

13 MS. JONES: Objection.

14 A It can be. It may not be. It  
15 is circumstantial.

16 Q In this instance, in this  
17 incident, multiple officers arrived in the  
18 area where the incident occurred before my  
19 client's dog was shot, right?

20 A Yes.

21 Q So you could have radioed to  
22 someone that was out front to knock on the  
23 door and ask for a consent to enter my  
24 client's backyard?

25 A Could have, yes.



1 P.O. Adam Gorman

2 Q Did you consider that option  
3 before you asked Officer Algarin to  
4 backtrack?

5 A I did not.

6 Q If you had to do it over again,  
7 would you maybe have considered that option?

8 MS. JONES: Objection.

9 A Given hindsight is 20/20, yes, I  
10 would have.

11 Q Seeing as how you're a defendant  
12 in a lawsuit alleging there was an unlawful  
13 entry, you know, do you think that it would  
14 have been better to avoid having those  
15 allegations and to have requested a consent  
16 if it would have only taken 15 seconds or  
17 maybe a minute to go and knock on the front  
18 door?

19 A I honestly don't understand a  
20 word of that question.

21 Q That was a bad question. I will  
22 ask you a different question.

23 Generally, if you are wrong and  
24 there was not a legal reason because of hot  
25 pursuit or exigent circumstances and you

1 P.O. Adam Gorman

2 didn't have a warrant, then you would have  
3 needed a person's consent to lawfully enter  
4 their yard, right?

5 A Right.

6 Q So to cover all of your basis  
7 and ensure that the entry wasn't unlawful,  
8 you could have simply asked for my client's  
9 consent, right?

10 A Correct.

11 (Training Bulletin L3499  
12 marked as Plaintiff's Exhibit C  
13 for identification, as of this  
14 date.)

15 MR. SHIELDS: I'm going to  
16 move own to the next exhibit,  
17 which is going to be Exhibit C,  
18 and that is Training Bulletin  
19 L3499, and those are Bates  
20 numbered. I will tell you in  
21 one second. 1171 to 1173.

22 Q Officer Gorman, can you see what  
23 I have put up on the screen, this Training  
24 Bulletin L3400, consent to searches and  
25 family court Orders?

1 P.O. Adam Gorman

2 A Yes.

3 Q Have you seen this document  
4 before?

5 A This one doesn't look familiar.  
6 Does not look familiar.

7 Q But this looks like an official  
8 document for the Rochester Police Department?

9 A It does.

10 Q It says here at the top a search  
11 is a long recognized exception for the search  
12 warrant requirement. Here, the courts have  
13 permitted the search and seizure when it is  
14 the result of a valid consent, right? I'm  
15 sorry. I asked you and then I scrolled away  
16 from that part.

17 A Yes. That is what it says.

18 Q So my question is really going  
19 to be about the next document, but before I  
20 put this one down, it looks like this lays  
21 out a few requirements. It says several  
22 rules must be applied before a consent search  
23 is deemed valid, right?

24 A Yes.

25 Q If you read the second factor,

1 P.O. Adam Gorman

2 can you read that paragraph and tell me when  
3 you are done.

4 A Okay.

5 Q Basically it says, hey, look you  
6 have to have reasonable suspicion before you  
7 request consent to search, right?

8 A Yes.

9 Q It is kind of like maybe a  
10 slightly lower standard than for exigent  
11 circumstances. Exigent circumstances said  
12 you have to have probable cause to believe  
13 that there is a crime occurring or about to  
14 occur, but for consent all you need is  
15 reasonable suspicion, right?

16 A Yes.

17 Q According to these two Rochester  
18 Police Department training bulletins?

19 A Sounds correct.

20 Q So when you don't have probable  
21 cause, but you have more than a hunch, you  
22 are required to get consent before you do a  
23 search, right?

24 A Correct.

25 MR. SHIELDS: I will move on

1 P.O. Adam Gorman  
2 to what what will be marked  
3 Plaintiff's D. This is the  
4 document entitled Warrantless  
5 Searches of Curtilage. And it  
6 is document Bates number COR1200  
7 to 1201.

8 (Warrantless Searches of  
9 Curtilage marked as Plaintiff's  
10 Exhibit D for identification, as  
11 of this date.)

12 Q Officer Gorman, is this a  
13 document that you are familiar with or that  
14 you have seen before?

15 MS. JONES: Can you scroll  
16 down?

17 MR. SHIELDS: Do you want  
18 the Bates number?

19 MS. JONES: I just want to  
20 give him a chance to see more  
21 than just the top of it.

22 Q Based on the top of it, is this  
23 a document that you think you are familiar  
24 with? Do you want a chance to look at the  
25 whole page?

1 P.O. Adam Gorman

2 A I would like to skim through it.

3 Q So let me put it here. And let  
4 me know when you need me to scroll down more,

5 A Okay.

6 Q I don't think I am going to ask  
7 you questions about this page.

8 So, in general, do you  
9 understand what the concept of curtilage  
10 means?

11 A Yes.

12 Q And what does that mean to you?

13 A The immediate area surrounding a  
14 home.

15 Q Such as someone's backyard?

16 A Yes.

17 A So this training bulletin  
18 describes the Supreme Court case from May  
19 29th, 2018, right?

20 A Yes, it does.

21 Q That is about May to June, June  
22 to July, July to August, August to September,  
23 about five months prior to the incident.

24 In our case, it happened on  
25 October 19th, 2018; is that right?

1 P.O. Adam Gorman

2 A Yes.

3 Q So you would have had to comply  
4 with the Supreme Court case at that point?

5 A That's correct.

6 Q Do you know if the Rochester  
7 Police Department did any in-service training  
8 or informed you guys about this Supreme Court  
9 case at all before the incident?

10 A Not that I recall.

11 Q So, basically, this says that  
12 you can't go onto someone's property to get  
13 something that you believe might be on the  
14 property unlawfully, correct?

15 A Yes.

16 Q Instead you have to have one or  
17 the other exceptions that must apply, right?

18 A That is what it looks like, yes.

19 Q Such as consent. That would  
20 have been one of them?

21 A Correct.

22 Q Let me back up.

23 In your understanding, hot  
24 pursuit and exigent circumstances are  
25 different exceptions or are they the same

1 P.O. Adam Gorman

2 exceptions? I was confused by your answer.

3 A They are different.

4 Q They are different?

5 A Yes.

6 Q Is that like a category of  
7 exigent circumstance?

8 A It would be -- I suppose it  
9 could be considered a subcategory, but, yes,  
10 I am looking at it from two different lenses.  
11 Hot pursuit is an active chase of a direct  
12 path or an immediate area of that said path.  
13 And exigent circumstances I think in the eye  
14 is more of a domestic case where you walk up,  
15 no one is answering the door, and you hear  
16 screaming coming from inside bloody murder.  
17 And to me that is the exigent circumstance to  
18 enter that house.

19 Q Exigent basically means  
20 emergency?

21 A Correct.

22 Q So hot pursuit would be a  
23 subcategory of an emergency?

24 A Yes.

25 Q So if there is no emergency, you



1 P.O. Adam Gorman

2 basically can't do the search.

3 MS. JONES: Objection.

4 A That is a fair generalization,  
5 yes.

6 (General Order 415 marked as  
7 Plaintiff's Exhibit E for  
8 identification, as of this  
9 date.)

10 MS. SHIELDS: The first one  
11 is General Order 415. That will  
12 be Plaintiff's Exhibit E, Bates  
13 numbers are City of Rochester  
14 823 to City of Rochester 872.

15 Q Officer Gorman, can you see what  
16 I marked as Exhibit E on your screen?

17 A I can.

18 Q Search warrant seizures by  
19 dynamic entries, search warrant, arrest  
20 warrant, without warrant, General Order 415.

21 A Yes.

22 Q And is this a document that you  
23 are familiar with?

24 A Yes.

25 Q Let me see. A couple of

1 P.O. Adam Gorman  
2 questions. I'm going to zoom ahead. Let's  
3 see. First, it defines probable cause on  
4 page 823.

5 Can you just read that  
6 definition? And I'm going to ask you a  
7 couple of questions.

8 A Which one?

9 Q Probable cause right here.

10 A Okay.

11 Q Then I'm going to scroll to the  
12 next page and it gives the definition on  
13 COR324 of reasonable suspicion.

14 Can you just read that one?

15 A Okay.

16 Q Can you just kind of give me  
17 your general understanding of the difference  
18 between reasonable suspicion and probable  
19 cause in the context of conducting a search?

20 A Reasonable suspicion is as a --  
21 I don't want to say the word reasonable -- as  
22 a normal person where an average officer, I  
23 should say, with knowledge of the area would  
24 believe that there is some sort of crime  
25 going on based on the activities at hand.

1 P.O. Adam Gorman

2 Probably cause specifically is  
3 believing that there is evidence of a crime  
4 or -- let's see. I am drawing a blank on the  
5 word. I will go with evidence of a crime has  
6 happened or so I believe and that has  
7 occurred in a specific area. So probable  
8 cause to stop the vehicle as I know a crime  
9 has occurred or violation, whatever the case  
10 may be, and reasonable suspicion is that  
11 vehicle coming off of a known drug area after  
12 having a very short interaction, that is  
13 consistent with drug sales.

14 Definitions aren't my thing. I  
15 guess examples I am better off with.

16 Q Is it fair to say that probable  
17 cause is a more stringent legal requirement  
18 than reasonable suspicion?

19 A Yes. It needs more specifics to  
20 it.

21 Q When we say more specifics, more  
22 facts to support the belief that a crime is  
23 committed or the evidence of a crime exists  
24 in the location?

25 A Yes. You definitely need more

1 P.O. Adam Gorman

2 to get to that level.

3 A So, basically, it is more  
4 specific facts to support that legal  
5 conclusion, right.

6 A I wouldn't say facts. I would  
7 say -- I would say reasonable suspicion if  
8 you have --

9 (Reporter Clarification.)

10 A I don't think facts are the sole  
11 factor for probable cause. Circumstances and  
12 your reasonable suspicion are major portions  
13 of it and I just don't want that to be  
14 overlooked in this case.

15 Q The totality of the  
16 circumstances, right?

17 A Correct.

18 Q Got it.

19 This just says it's the policy  
20 of the department, under 3D, not to conduct a  
21 warrantless search unless it meets the legal  
22 criteria for the exception to the warrant  
23 rule, right?

24 A Correct.

25 Q Prior to the incident in this

1 P.O. Adam Gorman

2 case, had you received any specific training  
3 from the Rochester Police Department about  
4 exigent circumstances, consent, and other  
5 exceptions to the warrant rule?

6 A I'm sorry. I'm am out of cough  
7 drops. Yes.

8 Q Was that field training or  
9 something else?

10 A Academy and field training.

11 Q The academy isn't a specific RPD  
12 training, right? I guess that is what I  
13 meant. I am sorry for asking the unclear  
14 question.

15 RPD would have been just field  
16 training?

17 A That and post-academy.

18 Q Procedures during and following  
19 warrantless searches, City of Rochester, 843  
20 is the page. So under "A" it says, following  
21 any search, members will document their  
22 actions. This is especially important  
23 because the reasonableness of the search and  
24 seizure cannot be based on what was found as  
25 a result of the search. Instead it is

1 P.O. Adam Gorman

2 measured by the facts and circumstances known  
3 to the member prior to the search and  
4 seizure, right?

5 So I am going to stop there. So  
6 my first question is, after this incident,  
7 did you complete any paperwork?

8 A I don't think so.

9 Q When this says, "Following any  
10 search members will document their actions,"  
11 is there like a specific form that that is  
12 referring to?

13 A No. There is no specific  
14 search, I guess you would say.

15 Q So do you know what this General  
16 Order is referring to when it says document?  
17 Is there a general rule about documenting  
18 things like searches in a specific form?

19 A It would be documented under --  
20 in the narrative portion of your either  
21 incident report or IA report.

22 Q So, basically, this says that if  
23 you do a search you have to do an IA report  
24 or an incident report?

25 A That is what I am gathering from

1 P.O. Adam Gorman

2 it, yes.

3 Q You conducted a search in this  
4 case, right?

5 A Yes, I did.

6 Q But you didn't complete any  
7 forms?

8 A No, I did not.

9 Q So, technically, that would be a  
10 violation of General Order 415, right?

11 A That it would be.

12 Q It says, "This is especially  
13 important because the reasonableness must be  
14 measured by the facts that you knew prior to  
15 the search and not after." Right?

16 A That's correct.

17 Q We already discussed what you  
18 knew prior to searching the individual that  
19 you stopped that he had run.

20 A Correct.

21 Q After you searched him, you  
22 didn't find anything on him, right?

23 A I did not find any illegal  
24 objects on his person, no.

25 Q No contraband on his person or

1 P.O. Adam Gorman

2 anywhere else, right?

3 A Correct.

4 Q He was eventually released  
5 without being given a ticket or charged with  
6 a crime?

7 A That is correct.

8 Q I will have more questions about  
9 that later, but I'm going to move on for now.  
10 Appendix one, exceptions to the  
11 search warrant requirement.

12 Have you read this General Order  
13 all the way through before?

14 A I would say, yes, I have. I  
15 have read a lot of them, but I can't narrow  
16 it down to one specific day.

17 Q What are the general  
18 circumstances when you read general orders?  
19 Like, why would you just sit down and read  
20 one?

21 A I am board.

22 Q At work, like you have downtime?

23 A Slow day, winter days, so open  
24 up the books and go at it.

25 Q Like, when you worked in the



1 P.O. Adam Gorman

2 pizza shop, did they ever tell you time to  
3 lean is time to clean?

4 A I have actually heard that  
5 before, yes.

6 Q So it is like that for police  
7 officers?

8 A Yes. Technically, if you are  
9 not actively doing police work you are only  
10 allowed to read police material during work  
11 hours.

12 Q Got it.

13 Police would be general orders  
14 or policies.

15 What else would that be?

16 A Anything related to the job,  
17 case law, if I am researching case law,  
18 things of that nature.

19 Q Let's go through this exception  
20 for the search warrant requirements. We have  
21 the arrest warrant. We're not worried about  
22 that here.

23 The frisk exception, so when you  
24 did the search of the individual that you  
25 handcuffed, was that the frisk exception or

1 P.O. Adam Gorman

2 something else?

3 A It was not.

4 Q We'll just move on from that.

5 Search incident to arrest

6 exception, is that what that was because you  
7 had put handcuffs on him?

8 A I wouldn't necessarily say  
9 arrest at that point.

10 Q Was he free to leave?

11 A No, he was not. It was a search  
12 incident to detain is a better word.

13 Q Let's see if there is an  
14 exception to that. Automobile exception, no.  
15 Consent, he didn't consent, right? Plain  
16 view, you didn't see anything on him. Open  
17 fields, no. Inventory, no. Exigent  
18 circumstances, no. I don't see an exception  
19 for search incident for being detained.

20 Must have been search incident  
21 to arrest; is that fair?

22 A That is the most fitting one,  
23 yes.

24 Q Consent to search, we went over  
25 that one already in the other document. I

1 P.O. Adam Gorman

2 just have a general question.

3 What is the interaction between  
4 the training bulletins and the general  
5 orders? Like, which one, if they conflict,  
6 would supercede and control?

7 A The most up-to-date one, the  
8 most recent.

9 Q That makes sense.

10 So the training bulletin might  
11 be issued in between when general orders are  
12 issued?

13 A Training orders may be issued  
14 typically as the training orders come out.  
15 The bulletins are exactly what the word is,  
16 bulletin. They are just to update people as  
17 time goes on.

18 Q Let's see. So plain view  
19 exception here, we're talking about my  
20 client's yard. That doesn't apply, right,  
21 because he jumped on the fence before he was  
22 on the premises, right? He was on the  
23 neighboring premises, right? So that doesn't  
24 apply, correct?

25 A I can't attest to that.

1 P.O. Adam Gorman

2 Q You want to read that and then  
3 let me know if you thought it applied in this  
4 circumstance?

5 A Are you referring to -- I don't  
6 understand what you're referring to.

7 Q I'm sorry. I'm referring to  
8 when Algarin jumped the fence and entered my  
9 client's property. The plain view exception  
10 didn't apply to that, correct?

11 A No. I agree with your  
12 statement.

13 Q Thank you.  
14 Open fields, that doesn't apply.  
15 Let's see. I don't have any questions about  
16 that. It does talk about curtilage.

17 Q Can you just read that one for  
18 me, "J." Let me know when you need me to  
19 scroll.

20 A Okay.

21 Q The one thing this emphasizes  
22 that, it says the more serious the crime the  
23 more likely courts are to recognize the  
24 situation as a true emergency justifying the  
25 search based on exigent circumstances, right?

1 P.O. Adam Gorman

2 A Correct.

3 Q And, in your experience, is that  
4 generally when you would apply the exigent  
5 circumstances exception to entering a  
6 property?

7 A Yes.

8 Q For example, earlier you gave an  
9 example of knocking at a door but no one  
10 answering but hearing what sounded like an  
11 assault occurring inside, right?

12 A Correct.

13 Q That would be a violent crime,  
14 an assault, something that needed to be  
15 prevented from continuing immediately.  
16 Someone could be seriously physically  
17 injured, right?

18 A That's correct.

19 Q As opposed to a suspected  
20 potential drug crime, right? That would be a  
21 less serious crime?

22 MS. JONES: Objection.

23 A Could be.

24 Q So a potential possession of  
25 marijuana might be as serious as a physical

1 P.O. Adam Gorman

2 assault. Is that what you are saying?

3 A Based on the penal law, simple  
4 marijuana, no. But a large amount of  
5 Fentanyl, yes, it is more serious under the  
6 penal law.

7 Q Did you suspect that the person  
8 that you were facing on October 19th, 2018,  
9 possessed Fentanyl or marijuana or something  
10 else?

11 A I believe they possessed drugs.

12 Q Are all drugs the same?

13 A They are not.

14 Q There is not a nationwide  
15 epidemic of marijuana overdosing right now?

16 A There is not.

17 Q But there is a nationwide,  
18 specifically in Monroe County, of Fentanyl  
19 overdoses?

20 A Yes, there is.

21 Q So, at the time, you know, if  
22 you suspected this person had Fentanyl, that  
23 might have been a more serious drug crime  
24 than suspicion of marijuana, correct?

25 A That is correct.

1 P.O. Adam Gorman

2 Q Did you suspect that this person  
3 that you were chasing might have had Fentanyl  
4 on them?

5 A Like I said before, I suspected  
6 that they had illicit drugs on them, most  
7 commonly which is marijuana.

8 Q So you more likely than not  
9 believed they might have had marijuana and  
10 not Fentanyl?

11 MS. JONES: Objection.

12 A I believe that was a more common  
13 outcome, yes.

14 Q Did you ever arrest that  
15 specific individual before for marijuana  
16 possession?

17 A Not to my knowledge, no.

18 MR. SHIELDS: I am done with  
19 that exhibit. Maybe it is a  
20 good time to grab a quick bite.

21 (A discussion was held off  
22 the record.)

23 (A lunch recess was taken.)

24 (General Order 340 marked as  
25 Plaintiff's Exhibit F for

1 P.O. Adam Gorman  
2 identification, as of this  
3 date.)

4 MR. SHIELDS: I will do  
5 General Order 340, so that will  
6 be Exhibit F.

7 Q Can you see that on your screen,  
8 Officer Gorman?

9 A Yes, I can.

10 Q General Order No. 340, and the  
11 title is Use of Deadly Physical Force. I  
12 didn't write down the page numbers. I will  
13 do a search here.

14 In general, Officer Gorman, you  
15 are familiar with this General Order?

16 A Yes.

17 Q So we are on City of Rochester  
18 page 118, and under Subsection D here, "If a  
19 firearm discharge is directed at an animal,  
20 one, the member supervisor will submit an  
21 incident report."

22 Do you know if that happened in  
23 this case?

24 A It did.

25 Q So who was the supervisor?



1 P.O. Adam Gorman

2 MR. SHIELDS: I will pull up  
3 that report later.

4 A Yes. I don't recall offhand.

5 Q I know there was an incident  
6 report. I wasn't sure if it was done by the  
7 supervisor. It was completed by Jason  
8 Rudolph.

9 He would have been the  
10 supervisor?

11 A Yes.

12 Q I didn't know who that was until  
13 earlier when we went over your file.

14 It's saying number section  
15 platoon, commanding officer.

16 Do you know who that was at the  
17 time of the incident?

18 A I don't.

19 Q What is the section platoon  
20 commanding officer? What does that mean?

21 A It would be -- it's referring to  
22 a lieutenant.

23 Q So section would be Clinton,  
24 right?

25 A Correct.

1 P.O. Adam Gorman

2 Q Platoon, is that like the third?

3 A Third shift.

4 Q So it is the shift commander  
5 basically for the section for that time?

6 A Correct.

7 Q That person is supposed to go to  
8 the scene, direct the investigation, and  
9 notify PSS?

10 A Yes. Correct.

11 Q PSS decides if they need to  
12 respond to the scene or notify anyone else?

13 A What was that?

14 Q Under three, it says, "The  
15 commanding officer PSS will make a  
16 determination based on the circumstances of  
17 the situation as to whether to respond to the  
18 scene and/or make further notifications."

19 A Correct.

20 Q "Document any nonresponse to the  
21 scene by PSS and make it part of the incident  
22 file."

23 Do you know what that would mean  
24 if it says document any nonresponse? That  
25 means like some sort of report, right?

1 P.O. Adam Gorman

2 A I would imagine so, yes.

3 Q Have you ever seen a report like  
4 that, a document of a nonresponse?

5 A From PSS, no, I have not.

6 MR. SHIELDS: And,

7 Ms. Jones, just to the extent  
8 that this General Order seems to  
9 have required documentation of  
10 PSS not responding to the scene,  
11 I don't believe we have gotten  
12 any documentation of that sort  
13 that has been produced, so we  
14 call for production of that  
15 documentation now. And I will  
16 follow up in writing about that.  
17 And that is on COR119.

18 Q So it also requires an evidence  
19 tech to come to the scene. That happened  
20 here, right? Do you remember?

21 A I don't remember.

22 Q It says the incident report is  
23 supposed to be forwarded through the normal  
24 distribution process a copy of which will be  
25 forwarded to PSS, right?

1 P.O. Adam Gorman

2 A Correct.

3 Q Now, do you know what that  
4 means, the incident report is forwarded to  
5 the normal distribution process? Do you know  
6 what the normal distribution process is?

7 A Yes.

8 Q Can you tell me what that would  
9 be?

10 A It is when you submit a report  
11 it is submitted through the computer and it  
12 goes up to the next level, next level of  
13 command, and that person has to approve it.  
14 So when I submit a report, it goes to the  
15 sergeant and the sergeant has to approve it.  
16 And from there it goes to what we call a  
17 section coordinator who then also reviews it.  
18 And then from there it goes to another person  
19 who would use it. And then it gets merged  
20 into the system.

21 Q After the section coordinator,  
22 you are not sure who reviews it after that?

23 A I'm not sure, no.

24 Q So it looks like one, two, three  
25 levels of review before it is done.

1 P.O. Adam Gorman

2 A Correct.

3 Q And then it says tell them to  
4 contact the law department to file a claim if  
5 they want any reimbursement, right? So that  
6 is why we're here, right?

7 Let me just see. On this page  
8 here, COR109, is this highlighted section  
9 consistent with your training from the  
10 academy and/or any other training that you  
11 received with the Rochester Police  
12 Department?

13 A Yes, it is.

14 Q Did you receive any training  
15 about interacting with dogs other than using  
16 firearms?

17 A Yes.

18 Q Can you describe that training  
19 for me?

20 A Animal control came in and spoke  
21 of it and I don't recall what else.

22 Q When was that?

23 A During the academy.

24 Q So animal control came and said  
25 something, but you don't remember what it

1 P.O. Adam Gorman

2 was?

3 A Not specifically, no.

4 Q Do you remember what that was  
5 about? Was it about interacting with dogs or  
6 interacting with animals generally?

7 A Animals, generally.

8 Q Other than that animal control  
9 training during the academy, have you  
10 received any other training about  
11 interactions with dogs?

12 A Not that I recall.

13 Q I know I asked you before about  
14 the prism and whether you had ever done any  
15 dog training on the prism program, right, and  
16 you said "no"?

17 A Not that I recall.

18 Q Do you happen to know whether or  
19 not the prism system simulator has any dog  
20 interaction simulations?

21 A I have no idea.

22 Q Would you like to have a dog  
23 simulator? Would that be helpful?

24 A More training can never hurt.

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 Q Great. I agree.

3 Have you ever received any  
4 in-service training on interactions with  
5 dogs?

6 A Not that I remember.

7 Q Am I missing any kind of, like,  
8 terminology used by the police department in  
9 terms of training that you received on the  
10 job?

11 There is in-service training.  
12 There would be the specific training that we  
13 went over earlier in response to specific  
14 incidents, right?

15 Is there any other kind of  
16 training, roll call training?

17 A There is roll call training. I  
18 wouldn't consider it training. It is just  
19 more brief discussions, but not involving  
20 dogs that I can recall.

21 Q Remind me of your date of hire  
22 again. 2016, right, September?

23 A September 2016, correct.

24 Q The last question I think on  
25 that, September of 2016, until present, the

1 P.O. Adam Gorman

2 only training that you have gotten about dogs  
3 is animal control training at the police  
4 academy, but you don't really remember the  
5 specifics of that, right?

6 A Correct.

7 Q Have you ever received any kind  
8 of handout or PowerPoints about interactions  
9 with dogs?

10 A No.

11 Q As part of your work since you  
12 have been working for the Rochester Police  
13 Department you have been with the Clinton  
14 section the whole time, right?

15 A Yes.

16 Q You are a patrol officer, right?

17 A Yes.

18 Q So you are either driving or  
19 walking on the streets in the Clinton  
20 section. Is that fair to say?

21 A Yes.

22 Q How frequently would you say  
23 that you come in contact with dogs during  
24 your patrol services?

25 A On a seven-day week, at least a



1 P.O. Adam Gorman

2 few times.

3 Q It would vary week to week,  
4 right?

5 A Correct.

6 Q Some weeks it might be every day  
7 or multiple times a day and some weeks it  
8 might be less?

9 A Yes.

10 Q In terms of the homes in the  
11 Clinton section, based on your training and  
12 experience working in the Clinton section  
13 since 2016, '17, what would your estimate be  
14 of the percentage of homes that have dogs in  
15 the Clinton section?

16 A I couldn't make a fair  
17 assumption or a fair estimation.

18 Q About half, more than half, less  
19 than half?

20 MS. JONES: Objection.

21 A I really don't -- I can't say  
22 for sure.

23 Q When you do interact with dogs,  
24 is there a predominant breed that you  
25 interact with?

1 P.O. Adam Gorman

2 A Yes.

3 Q What would that be?

4 A Typically pit bulls.

5 Q You said typically. Is it most  
6 of the dogs that people have in the Clinton  
7 section are pit bulls?

8 A From my interactions, yes.

9 Q From your interactions, are pit  
10 bulldogs that are more aggressive than other  
11 breeds of dog?

12 A No.

13 Q Is there a different breed that  
14 might be generally more aggressive or is it  
15 just dog to dog in your experience?

16 A I believe it is 100 percent on  
17 the owner.

18 Q So what you are saying is the  
19 aggressiveness of a dog is based on if the  
20 owner trains it is be aggressive?

21 A I wouldn't say trains it to be  
22 aggressive. More so lack of training.

23 Q Or if they neglect the dog,  
24 maybe the dog is angry or something?

25 A That could be one possibility,

1 P.O. Adam Gorman

2 yes.

3 Q Have you ever been injured by a  
4 dog in the line of duty?

5 A No.

6 Q Have you ever shot a dog?

7 MS. JONES: Objection.

8 A No.

9 Q Have you ever avoided shooting a  
10 dog by using some other technique like using  
11 a baton?

12 MS. JONES: Objection.

13 A No.

14 Q Have you ever had to, I don't  
15 know, run from a dog that you perceived to be  
16 attacking you?

17 MS. JONES: Objection.

18 A I have kept my distance from  
19 dogs at work.

20 Q Basic common sense, you know,  
21 the dog could be aggressive and try to attack  
22 you for those reasons?

23 A Correct.

24 Q But you were never specifically  
25 trained, hey, keep your distance from a dog?

1 P.O. Adam Gorman

2 A Not that I can recall. Not  
3 specifically.

4 A How about before entering onto a  
5 property? Were you trained to look for signs  
6 that there might be a dog that resides there?

7 A Yes.

8 Q What did that training consist  
9 of?

10 A Typical situational awareness,  
11 posted signs, dog chains, things of that  
12 nature.

13 Q So you were trained to look for  
14 those things before entering a property  
15 because that might indicate that there would  
16 be a dog there?

17 A Correct.

18 Q You are trained to look for  
19 those things.

20 Was there a reason that you were  
21 trained to look out for dogs that might be on  
22 the property?

23 A To avoid getting bit by a dog.

24 Q So, to date, you have  
25 successfully avoided getting bit by a dog,

1 P.O. Adam Gorman

2 right?

3 A That's correct.

4 Q Are there other things that they  
5 trained you to do before entering a property  
6 if you believe a dog might be located on the  
7 property?

8 A One thing I picked up, I don't  
9 know if it is specific to RPD training I  
10 guess you would say, but it is kind of -- if  
11 there is a fence around the property, just  
12 rattle it, try to draw the potential of any  
13 potential dogs that are lurking around.

14 Q Is that a thing that you do  
15 generally before you enter a fenced-in  
16 property?

17 A Yes.

18 Q When is the last time that you  
19 did that?

20 A Earlier this week.

21 Q Can you describe to me when you  
22 did that what the situation was?

23 Q Responding to a 911 call, the  
24 front yard was fenced in, including portions  
25 of the driveway. I just rattled the cage,

1 P.O. Adam Gorman

2 the chain-link fence. I didn't get any  
3 response and I proceeded to open it and walk  
4 to the front door.

5 Q So you rattle the fence.

6 How long do you wait before to  
7 see if there is a dog that appears?

8 A Five, ten seconds.

9 Q In this instance, earlier this  
10 week, there was no dog that appeared?

11 A No.

12 Q If a dog had appeared, what  
13 would you have done?

14 If a dog runs up to the fence  
15 and you are outside of the fence and you need  
16 to respond to a call, what do you do?

17 MS. JONES: Objection.

18 A Not walk into the fenced-in  
19 area.

20 Q Would you, like, try to contact  
21 the 911 caller or something before going into  
22 the fence-in area to secure the dog?

23 A If it is an option, then, yes,  
24 we can try to do a call back, have the  
25 dispatch call whoever called 911 within and

1 P.O. Adam Gorman

2 see if they can secure the dog or have them  
3 call it and come out to us.

4 Q It might depend on the dog, like  
5 if it is a Chihuahua versus like a vicious  
6 pit bull?

7 MS. JONES: Objection.

8 A It is taken into consideration  
9 based on the strength of a dog. But, in my  
10 experience, Chihuahuas have -- the little  
11 dogs have always been the yappiest and I  
12 guess you can call it aggressive of bleeds  
13 when it comes to size.

14 Q They have to make up for their  
15 size?

16 A That's what it would appear to  
17 be.

18 Q I want to pull up your body  
19 camera and ask you some questions about that.  
20 This will be Exhibit G?

21 (Officer Gorman's body-worn  
22 video camera from incident  
23 marked as Plaintiff's Exhibit G  
24 for identification, as of this  
25 date.)

1 P.O. Adam Gorman

2 MS. JONES: I think we  
3 uploaded them with the same file  
4 number as we do. So if I can  
5 see the file name and the first  
6 few digits to see if I have the  
7 right one identified.

8 MR. SHIELDS: No problem. I  
9 will share the screen which  
10 should have that at the top  
11 here, so I just have to move my  
12 cursor.

13 Do you see that at the top?

14 MS. JONES: Thank you.

15 Q So, Officer Gorman, before I  
16 start to play it, do you know right here what  
17 property this is that we're looking at?

18 A It is a house on Sobieski  
19 Street.

20 Q That is the street behind  
21 Kosciusko Street, right?

22 A Just south of Kosciusko, yes.

23 Q And before this incident you  
24 were familiar with this area?

25 A Yes, sir.



1 P.O. Adam Gorman

2 Q Was it a high-drug area, as you  
3 described before, one of the parts of the  
4 Clinton section?

5 A Yes, it is.

6 Q I will play it for a little bit  
7 and then I will stop it and ask you some  
8 questions. Okay?

9 A Works for me.

10 Q Before I hit play, actually,  
11 this view that we're seeing right now, right,  
12 this is the first frame of the video. How  
13 does that start? Do you have to hit a button  
14 on your camera to begin recording? Is that  
15 how that works?

16 A Yes.

17 Q Then if I am right, it does not  
18 start to record audio for 30 seconds or  
19 something; is that right?

20 A The body cam, if the system is  
21 on, it will prerecord visual recording for 30  
22 seconds prior to activation. If the whole  
23 system is off and I just activate it, it will  
24 begin recording video and audio immediately.

25 Q So basically you can walk around

1 P.O. Adam Gorman

2 with it with basically, like, the camera on  
3 and if you hit the button it will start  
4 recording and it will have that 30 seconds  
5 from before you hit record, but not audio?

6 A Correct. I am going to use  
7 color coding because there is a light  
8 indicator that's on the camera. If it is  
9 green, it is -- and if it is green status and  
10 you hit record it will capture the previous  
11 30 seconds of visual.

12 Q Got it.

13 And then at that point you would  
14 see a green light on the camera itself?

15 A Correct.

16 Q Is that when you are walking  
17 around normally your body camera is working?

18 A Yes.

19 Q In green?

20 A Yes.

21 Q Now, I will hit play and pause  
22 it at some point and ask you some questions.

23 My first question is, it sounded  
24 like there was only about five seconds of  
25 there not being any audio. Is that normal?

1 P.O. Adam Gorman

2 A It is not abnormal. All it  
3 indicates to me is that the camera wasn't in  
4 green status.

5 Q So you just ran.

6 Do you know what the property  
7 address was that you just ran through?

8 A I do not.

9 Q Do you know why you were on  
10 Sobieski Street at that point?

11 A Yes.

12 Q Why was that?

13 A With the anticipation that the  
14 suspected drug dealers were going to run  
15 south through the yards towards Sobieski  
16 Street as they have done in the past.

17 Q So you guys had a plan basically  
18 on this day?

19 A Correct.

20 Q So that was your, like, I don't  
21 know, station, or whatever, and the other  
22 officers went to the front and Kosciusko  
23 Street?

24 A Correct.

25 Q The plan was to have the suspect

1 P.O. Adam Gorman

2 run through the backyard and Kosciusko Street  
3 as you anticipated that is what they would do  
4 and as they came through the yard your plan  
5 was to go and apprehend them?

6 A Correct.

7 Q So that is what we thought with  
8 you running through this yard here and  
9 apprehending this guy right here, right?

10 A Correct.

11 Q We hit pause, for the record, at  
12 1707 and 13 seconds. There is activity 15  
13 seconds into the video. And I will hit play  
14 again. So I am just going to pause there.  
15 So you said you did it yesterday too.

16 Did you guys do a similar thing  
17 the day before?

18 A Similar, yes. We were familiar  
19 with these individuals at the time selling on  
20 that corner, correct. Yes.

21 Q What happened on the day before?

22 MS. JONES: Objection.

23 A From my recollection, on our  
24 arrival they had ran south to Sobieski Street  
25 through the same yards.

1 P.O. Adam Gorman

2 Q So that is how you guys devised  
3 a plan on this day?

4 A Correct.

5 Q Do you know what the officers on  
6 Kosciusko Street did?

7 A I do not.

8 Q On the previous day, had you  
9 arrived on Kosciusko Street and witnessed  
10 them running?

11 A Yes.

12 Q So on the previous day, what  
13 happened? Did you drive your car and then  
14 park and they ran or something else?

15 MS. JONES: Objection.

16 A I vaguely remember just pulling  
17 up and upon police arrival it was immediate  
18 flight.

19 Q Did you chase them through the  
20 yards on the previous day as well?

21 MS. JONES: Objection.

22 A I don't recall.

23 Q So you might have, but you don't  
24 recall?

25 A Correct.

1 P.O. Adam Gorman

2 Q But they weren't apprehended on  
3 the previous day, right?

4 MS. JONES: Objection.

5 A I believe that's correct.

6 Q Do you remember if on the  
7 previous day it was a response to a 911 call  
8 or if it was, what do we call it, proactive  
9 policing when you stopped them?

10 A I cannot tell you.

11 Q So you don't recall?

12 A Correct.

13 Q I will hit play again here. We  
14 paused at 58 seconds into the video, which is  
15 170757 on the bottom right. I am going to  
16 pause there.

17 So when we first paused, it was  
18 about 15 seconds into the video, right?

19 A Correct.

20 Q Then that is how long it took  
21 you to go from the front on Sobieski to the  
22 fence before you apprehended him, right?

23 A Correct.

24 Q Now, we are two minutes into the  
25 video. Does that look right to you?

1 P.O. Adam Gorman

2 A Yes.

3 Q Right before I paused, did you  
4 hear yourself ask Officer Algarin to  
5 backtrack?

6 A Yes.

7 Q So if it took you about 15  
8 seconds to get from Sobieski Street to the  
9 back of that fence, would it be fair to say  
10 that it probably would take a similar amount  
11 of time to get from the backyard to the front  
12 of the house on Kosciusko Street?

13 MS. JONES: Objection.

14 A Similar time frame, yes.

15 Q So for at least a minute and 45  
16 seconds, right, we know that the individual  
17 that you apprehended was present in this  
18 backyard, correct?

19 A Correct.

20 Q So for at least a minute and 45  
21 seconds, there would have been any potential  
22 contraband located in the backyard at the  
23 house next door that was owned by my client,  
24 correct?

25 A Correct.

1 P.O. Adam Gorman

2 Q So that is a longer amount of  
3 time than it would have taken to just walk to  
4 the front door, right, maybe knock, ask for  
5 permission or consent to enter the backyard?

6 A At the time I was searching him  
7 was a longer time than it would have taken to  
8 walk to the front door, yes.

9 Q Before you asked Officer Algarin  
10 to backtrack, do you know how many officers  
11 had responded to the scene at that point?

12 A Just the initial ones that were  
13 there.

14 Q Would that have been a couple of  
15 more officers? There was one other officer  
16 with you on Sobieski Street and one other  
17 officer with Algarin?

18 A Yes.

19 Q So there were two other  
20 officers, right?

21 A Correct.

22 Q At that point, there could have  
23 been another officer to watch over the  
24 backyard and any potential contraband while  
25 another officer asked for consent to enter



1 P.O. Adam Gorman

2 the backyard?

3 A No.

4 Q Why not?

5 A Because you don't put one  
6 officer with two suspects.

7 Q How many suspects were there?

8 A There were two.

9 Q There were two suspects and  
10 there were four officers?

11 A Total, yes.

12 Q So there could have been one  
13 officer with one suspect, a second officer  
14 with a second suspect, a third officer  
15 looking at the yard, and a fourth officer  
16 knocking on the door?

17 A Yes.

18 Q That is something that could  
19 have reasonably been done, correct?

20 MS. JONES: Objection.

21 A Could have after a few moments  
22 of orchestrating it, yes.

23 Q Before you asked Algarin to  
24 backtrack, as far as you were aware, there  
25 were no other suspects that were in the area,

1 P.O. Adam Gorman

2 correct, just the two people that had been  
3 apprehended?

4 A Not to my knowledge.

5 Q So in that time Algarin or  
6 another officer could have taken 15, 20  
7 seconds to walk to the front door and ask for  
8 consent, right?

9 A Correct.

10 Q I will keep playing here for a  
11 second. We are paused at exactly two minutes  
12 into the video, or 170858 on the bottom  
13 right. I am going to pause right here.

14 In this yard you see this big  
15 cage and a doghouse, right?

16 A Correct.

17 Q What would you have done if the  
18 dog had just suddenly run out of that  
19 doghouse at you?

20 MS. JONES: Objection.

21 A Depends on the manner of the  
22 dog.

23 Q If it had ran right at you and  
24 barked, what would you have done?

25 MS. JONES: Objection.

1 P.O. Adam Gorman

2 A I think that is too hypothetical  
3 and very vague.

4 Q It would help if maybe you had  
5 some prior simulation-based training to help  
6 you deal with an incident like that, right?

7 A No. I mean, yes, but, no.

8 Q The more exposure and training  
9 that you have to specific types of threats,  
10 the better you are able to deal with them in  
11 real time, right?

12 A Yes.

13 Q So if you had more training  
14 about interacting with potentially aggressive  
15 dogs running at you, maybe you could make a  
16 better decision in the moment, right?

17 A Potentially.

18 Q Because we agreed earlier that  
19 the more training the better, right?

20 A It doesn't hurt.

21 Q In this instance, there was no  
22 dog in this yard, right?

23 A Correct.

24 Q Before you jumped the fence and  
25 entered this yard, is that something that you

1 P.O. Adam Gorman

2 noticed, the doghouse?

3 A Not particularly, no.

4 Q You didn't really think about  
5 that before you came into this yard?

6 A No.

7 Q I will hit play. We're at two  
8 minutes and three seconds into the video, or  
9 170903. Let me ask you about that statement  
10 that you just made.

11 Do you know who his cousins are?

12 MS. JONES: Objection.

13 A Not by name.

14 Q Were you familiar with that guy  
15 that you had stopped?

16 A Yes. I've seen him in the area  
17 before.

18 Q Did you know his name?

19 A Not offhand, no.

20 Q Do you know who his cousins  
21 were?

22 MS. JONES: Objection.

23 A Again, all the personnel hanging  
24 out in that area that day were all familiar  
25 faces and known to stand there and sell

1 P.O. Adam Gorman

2 drugs.

3 Q Do you know what his cousins  
4 look like?

5 A Not anymore.

6 Q Do you know why you said to him  
7 whether it is you or your cousins?

8 A Just to talk.

9 Q Do you think his cousins were  
10 other, I don't know, black men?

11 MS. JONES: Objection.

12 A Do I think or do I know?

13 Q Sure. Do you know? I mean, I  
14 asked you if you knew who his cousins were.

15 A Yes. I know that people I seen  
16 on that day were male blacks.

17 Q Do you know if the other guy  
18 that was stopped was his cousin?

19 A The term I'd identify for  
20 everyone here, the term "cousin" is very  
21 commonly used as pal, friend, buddy,  
22 acquaintance in the City of Rochester. It  
23 does not have to be direct familial  
24 relationship to be a cousin or aunt or uncle.

25 Q Did you ever review this

1 P.O. Adam Gorman

2 recording with your supervisor or anybody  
3 else?

4 A Not that I remember.

5 Q Can you see how somebody might  
6 perceive your statement, "Whether it is you  
7 or your cousins out here dealing," that is  
8 pretty racist?

9 A No, not at all.

10 Q So you don't see any reason why  
11 somebody might think that what you said to  
12 him could be perceived as racist by him or  
13 somebody else?

14 MS. JONES: Objection.

15 A Not in the slightest.

16 Q Have you ever had any  
17 conversations with supervisors or anybody  
18 else about, I don't know, communicating with  
19 members of the community in a way to ensure  
20 that they don't perceive things that you say  
21 as being racist?

22 MS. JONES: Objection.

23 A Not particularly, no.

24 Q Because some of the prior  
25 training reports that we have gone over

1 P.O. Adam Gorman

2 emphasize community relations and  
3 communicating effectively, correct?

4 A That's correct, yes.

5 Q None of those prior training  
6 reports or things that your supervisors had  
7 spoken with you about regarding communicating  
8 with people in the community effectively  
9 involved any statements made by you that  
10 could be perceived as potentially racist?

11 A No.

12 Q This is one of the things that  
13 your supervisors were emphasizing is trying  
14 to improve community relations, right?

15 A Correct.

16 Q So you want to, you know, maybe  
17 use an interaction like this to have a  
18 positive outcome, right. And, for example,  
19 encourage the person that you stopped to make  
20 different choices?

21 MS. JONES: Objection.

22 A Are you implying that I did not?

23 Q What I am saying is that what  
24 your supervisors and your different training  
25 reports were emphasizing was trying to

1 P.O. Adam Gorman

2 improve community relations through  
3 communications with individuals that you  
4 interact with on a daily basis, right?

5 A Yes. That is fair ultimate  
6 wish.

7 Q Do you agree with their ultimate  
8 wish?

9 MS. JONES: Objection.

10 A Yes.

11 Q One of your goals of patrolling  
12 is having positive interactions with people  
13 in the community to improve relations between  
14 the police and people in the community?

15 A Most definitely.

16 Q Do you think your interaction  
17 with this man here went towards achieving  
18 that goal of improving relations between the  
19 police and the community?

20 A Yes, actually, I do.

21 Q Can you kind of explain how you  
22 think that that individual left this  
23 interaction feeling better about the police?

24 MS. JONES: Objection.

25 A Well, what I am inferring from



1 P.O. Adam Gorman

2 your question is that I am acting in a racist  
3 manner towards these individuals, which is  
4 not the case. And using common terms that is  
5 used within the City of Rochester makes them  
6 feel like I am more personable to them. In  
7 addition to that, this man, whether he has  
8 had bad experiences with the police or not,  
9 his interaction went relatively smooth. He  
10 got detained and then he got let go. That is  
11 a pretty positive interaction to not have to  
12 come out facing criminal charges.

13 Q What criminal charges would you  
14 have brought against him?

15 A I don't know. It depends on  
16 what the officers on Kosciusko had seen.

17 Q So based on your observations  
18 and the fact that no contraband was  
19 recovered, just based on your knowledge,  
20 there was not probable cause to charge him  
21 with a crime, correct?

22 MS. JONES: Objection.

23 A No. There was not probable  
24 cause to charge him with a crime. There was  
25 reason to stop him and detain him. But, no,

1 P.O. Adam Gorman

2 not at this exact moment in the  
3 investigation.

4 Q That is my question, yes. You  
5 let him go because after pat searching him,  
6 not finding any contraband, there was not  
7 evidence to support probable cause to believe  
8 that he had committed a crime, correct?

9 A No, there was. He was  
10 trespassing. I have reason to believe he was  
11 trespassing on multiple different properties  
12 by cutting through them.

13 Q You could have charged him with  
14 trespass?

15 A No, not without the owner's  
16 consent or the owner's will, but that would  
17 have been further investigative action that I  
18 would have taken.

19 Q You could have talked to my  
20 client, Chuck Dempsey, and asked him if he  
21 wanted him to be charged with trespassing,  
22 but you didn't.

23 A We hadn't gotten to that point.

24 Q You didn't ask the owner of this  
25 house where you detained him if he wanted him

1 P.O. Adam Gorman

2 to be arrested for trespass?

3 MS. JONES: Objection.

4 A I would have if we had been able  
5 to get to that point, yes.

6 Q As a part of your training by  
7 the RPD, have you ever done any implicit bias  
8 training?

9 A Yes, we have.

10 MS. JONES: Objection.

11 Q Sorry. I couldn't hear over the  
12 objection.

13 Is that, yes, you have?

14 A Yes.

15 Q Can you describe that training  
16 for me?

17 MS. JONES: Objection.

18 A The idea of the training is to  
19 say that based on your upbringing, nature,  
20 nurture, argument that you have some  
21 conscious thoughts that can manifest into  
22 actions based on different race, religion,  
23 creed, or any other characterization, the  
24 idea of the training is to make you aware  
25 that those subconscious thoughts are there or

1 P.O. Adam Gorman

2 can be there.

3 Q And do they teach you about how  
4 those subconscious thoughts can manifest in  
5 ways that you might say something that you  
6 don't think could be perceived as racist,  
7 might be perceived by other people as  
8 potentially being racist, right?

9 MS. JONES: Objection.

10 Elliot, there are not these  
11 type of allegations in the  
12 lawsuit.

13 MR. SHIELDS: I am asking  
14 him about what he said to this  
15 particular person on this  
16 particular day and so it is a  
17 valid line of questioning.

18 MS. JONES: But it's not  
19 about the claims that was  
20 actually brought against Officer  
21 Gorman.

22 MR. SHIELDS: And deposition  
23 questions are not limited in  
24 that way. So I am going to have  
25 to ask you to stop making

1 P.O. Adam Gorman  
2 speaking objections on the  
3 record. You have stated your  
4 objection. He can answer the  
5 question.

6 A The term cousin, if you --  
7 Elliot, if you would like, you can define it  
8 for me. The term cousin is in no way, shape,  
9 or form racist. And if that's the term that  
10 you are referring to, perception, sure, can  
11 be -- as the saying goes, perception is  
12 everything, but I can perceive anything I  
13 want. It doesn't make it true.

14 Q When did you receive implicit  
15 bias training with the Rochester Police  
16 Department?

17 MS. JONES: Objection.

18 A Prior to this date, I would say  
19 the academy.

20 Q Have you also received implicit  
21 bias training after this date?

22 MS. JONES: Objection.

23 A Yes. Yes.

24 Q Was that like an in-service  
25 training or something else?

1 P.O. Adam Gorman

2 MS. JONES: Objection.

3 A I am quite sure it was  
4 in-service training.

5 Q So it would be like a day-long  
6 training?

7 MS. JONES: Objection.

8 A A portion thereafter, yes.

9 Q When you do, like, an in-service  
10 training, is that a day that you would  
11 otherwise be working on patrol that instead  
12 you take off and go to a training?

13 A Yes. Typically an eight-hour  
14 in-service is counted as your work day or  
15 your work hours and you are compensated, for  
16 example, not going to work the night before.

17 Q You don't remember the date you  
18 might have done that in-service training?

19 A No clue.

20 MS. JONES: Objection.

21 Q I am going to continue playing  
22 the video. So we hit pause at two minutes  
23 and 15 seconds into the video, or 170915.

24 Just in that interaction right  
25 there, can you tell me what you meant when

1 P.O. Adam Gorman  
2 you were saying to him that day, you know, "I  
3 am not new. We have to stop it."

4 MS. JONES: Is this still  
5 playing?

6 MR. SHIELDS: No. I paused  
7 it.

8 MR. JONES: We are lagging.  
9 I think we are a little behind  
10 you.

11 MR. SHIELDS: I'm sorry.

12 Q Do you want me to repeat the  
13 question?

14 A No. No. When I expressed not  
15 only do I understand the activities going on  
16 out here, I am talking with him and trying to  
17 avoid beating around the bush about the drug  
18 activity that is going on.

19 Q When you were talking about  
20 that, do you mean specifically on Kosciusko  
21 Street?

22 A Correct.

23 Q So for two days in a row on  
24 Kosciusko Street you and other officers  
25 basically drove the cars up and then this

1 P.O. Adam Gorman

2 individual and other people ran from the  
3 police when you pulled up.

4 Is that fair to say?

5 A Correct.

6 Q The fact that that happened two  
7 days in a row, does that go under the  
8 totality of the circumstances evaluation of  
9 whether you had suspicion to stop him or  
10 suspicion or probable cause to conduct a  
11 search?

12 A That it does.

13 Q I will keep playing now.

14 In the moment when he was  
15 screaming about his daughter, what were you  
16 thinking?

17 A I didn't hear daughter. I heard  
18 dog.

19 Q I am going to rewind a little  
20 bit.

21 Did you hear him say "my  
22 daughter"?

23 A I did.

24 Q Were you aware that his daughter  
25 was watching the entire incident from right



1 P.O. Adam Gorman

2 inside the back door there?

3 A No, I was not.

4 Q Did you ever come to learn that  
5 after the incident?

6 A I did.

7 Q I just want to rewind a little  
8 bit and ask you a couple of other questions.  
9 We are rewinding to 259 in the video, or  
10 170958 seconds. He asked you to leave his  
11 property, but did you ever do that? Did you  
12 ever leave his property?

13 A No.

14 Q And why not?

15 A It was an active scene at this  
16 point.

17 Q By active scene you mean because  
18 Officer Algarin had shot Tesler two times?

19 A Correct.

20 I am assuming by Tesler you mean  
21 the dog.

22 Q His pet dog, Tesler, yes.

23 So is that like a police  
24 department policy, once a firearm is  
25 discharged, that makes it like an active

1 P.O. Adam Gorman

2 crime scene?

3 A Yes.

4 Q So you have to stay there to  
5 investigate the crime that another officer  
6 had committed?

7 MS. JONES: Objection.

8 A I would not call it a crime, no.  
9 I will investigate the incident to determine  
10 if a crime was committed.

11 Q That is generally what happens  
12 any time a firearm is discharged?

13 A Yes. Whether an officer or a  
14 third-party civilian, whatever the case is,  
15 yes.

16 Q So legally you are saying even  
17 though he asked you to leave his property you  
18 didn't have the authority to leave his  
19 property, you had to stay there?

20 A Correct.

21 Q Interesting.

22 And do you know if that is  
23 written anywhere in the Rochester Police  
24 Department policy?

25 A To secure a crime scene, yes.

1 P.O. Adam Gorman

2 Q But you just said that it was  
3 just an incident, not a crime scene.

4 A A crime scene in my contact as I  
5 am using it now as a general term. Incident  
6 location, I suppose we'll use that in the  
7 future.

8 Q So an incident location, legally  
9 you are saying if you guys had just gone to a  
10 neighboring yard or the front yard, that  
11 would have been a violation of the police  
12 department policies?

13 MS. JONES: Objection.

14 A I don't understand the question.

15 Q So he asked you to leave his  
16 property, right? And you are saying, well,  
17 we couldn't do that because it was an active  
18 incident scene and we needed to secure the  
19 incident scene, right?

20 A Correct.

21 Q And you are saying that you  
22 couldn't leave and it is an active incident  
23 scene and that is pursuant to Rochester  
24 Police Department policies that you have to  
25 secure the incident scene?

1 P.O. Adam Gorman

2 A Yes.

3 Q And so those policies should be  
4 written somewhere, correct?

5 A Yes.

6 Q Do you know where those policies  
7 are written?

8 A Not offhand.

9 Q From what you said earlier, you  
10 said securing a crime scene, would that be  
11 the type of policy that we would be looking  
12 for, something about securing a crime scene?

13 A It might give rise to that, yes.

14 Q If I were going to go look and  
15 read up on some policies to try to confirm  
16 that, would that be where you would check?

17 MS. JONES: Objection.

18 A I would look under scene  
19 management.

20 Q So scene management requires you  
21 to disregard his request that you leave his  
22 property and stay there to basically secure  
23 the evidence.

24 Is that fair to say?

25 A Yes.

1 P.O. Adam Gorman

2 Q The evidence would be the shell  
3 casings?

4 A Shell casings, obviously check  
5 for anyone who may have been accidentally hit  
6 by a ricochet, things of that nature.

7 Q People being hit by a ricochet,  
8 that is always a concern if a firearm is  
9 discharged, right?

10 A It's a possibility.

11 Q Always a possibility, right? So  
12 that would be maybe particularly a  
13 possibility, a high risk if you are going to  
14 fire your department-issued pistol at a fast  
15 moving dog.

16 Is that fair to say?

17 MS. JONES: Objection.

18 A I would say a high possibility.  
19 It depends on the backdrop.

20 Q Shooting a fast moving object is  
21 more difficult than shooting a stationary  
22 object, right?

23 A Correct.

24 Q So shooting at a dog running at  
25 you full speed is more dangerous than, I

1 P.O. Adam Gorman

2 don't know, shooting at a target 50 feet  
3 away, right?

4 MS. JONES: Objection.

5 A No. I disagree with that  
6 statement. I am not sure how familiar you  
7 are with firearms, if you have ever shot a  
8 firearm before, but 50 feet is a significant  
9 distance to discharge a firearm at,  
10 specifically a handgun. Shooting something  
11 within a couple feet, even at a moving  
12 target, depending on the shooter, it could be  
13 classified as easier.

14 Q Are there other factor that come  
15 in play in terms of the risks of discharging  
16 a firearm such as being in a residential  
17 neighborhood?

18 A Yes. That is a general concern.

19 Q That could raise the risk of a  
20 ricochet and potentially hitting somebody?

21 A I would say so.

22 Q Are you aware of any incidents  
23 where somebody, a person that was shot by a  
24 Rochester police officer, was attempting to  
25 shoot a dog? Have you ever heard of that

1 P.O. Adam Gorman

2 situation happening?

3 A No.

4 Q But, again, you haven't received  
5 any specific training by the Rochester Police  
6 Department about whether or not a specific  
7 circumstance justified shooting at a dog,  
8 right?

9 MS. JONES: Objection.

10 A Not to my memory, but I can  
11 speculate that they would have discussed  
12 justify shooting of dogs. I can't remember a  
13 specific person telling me a specific story.

14 Q Do you think any training that  
15 might be developed to avoid situations like  
16 this should include discussion of the  
17 potential risk of a person being shot and hit  
18 by either a ricochet or the officer  
19 misfiring?

20 MS. JONES: Objection.

21 A I don't think that that concept  
22 is specific to shooting of dogs or any other  
23 animals. I think that is general firearm  
24 safety and knowledge.

25 Q I think I'm mostly done with

1 P.O. Adam Gorman

2 this video, but let me look at my notes one  
3 second.

4 In the video, you can see a  
5 bunch of tattoos on your arms.

6 Can you show us your tattoos and  
7 tell us what they mean?

8 MS. JONES: Objection.

9 Q You can go ahead and do it.

10 A Is that a direct order or  
11 something? I think that is a very weird  
12 question.

13 Q I asked about your tattoos.

14 MS. JONES: I find that very  
15 strange.

16 MR. SHIELDS: Are you  
17 directing him not to answer?

18 MS. JONES: Give me one  
19 second to recover from my  
20 laughter.

21 (A discussion was held off  
22 the record.)

23 (The requested portion of  
24 the record was read back by the  
25 reporter.)



1 P.O. Adam Gorman

2 MS. JONES: Objection. This  
3 is not a physical examination so  
4 I will permit him to describe  
5 his tattoos, but that is it.

6 MR. SHIELDS: No. Thank  
7 you.

8 Q Can you please hold up your arms  
9 and show us your tattoos also?

10 MS. JONES: No.

11 MR. SHIELDS: Well, then I  
12 am happy to call Judge Payson  
13 whose number I have right here.

14 Do you want me to call the  
15 Judge?

16 MS. JONES: This is not a  
17 physical examination. This is  
18 an oral examination, so he can  
19 describe things, but we're not  
20 inspecting his --

21 MR. SHIELDS: Would you like  
22 me to conference you in with the  
23 Judge or do you want me to hold  
24 the phone up to the computer.

25 MS. JONES: Whatever is

1 P.O. Adam Gorman

2 easiest.

3 Do you want me to go back to  
4 my office and I can put it on  
5 the landline?

6 MR. SHIELDS: No. It is not  
7 for you to waste time. I mean,  
8 you can see most of his tattoos  
9 in the video, you know, but I  
10 don't know if those are all his  
11 tattoos. So, yes, it is pretty  
12 easy. He has held up his arms a  
13 couple of times. I'll show you  
14 my tattoo, if you want to see  
15 it. So I don't have anything to  
16 hide.

17 MS. JONES: He doesn't have  
18 anything to hide.

19 If you already saw this in  
20 the video, why do you need him  
21 to hold his arms up right now?

22 MR. SHIELDS: Listen to me.

23 Like, we're just going to  
24 call the Judge, right?

25 MS. JONES: I think we

1 P.O. Adam Gorman

2 should.

3 MR. SHIELDS: I'm going to  
4 try to hold the phone up to the  
5 computer and hopefully we can  
6 all hear, but we will see.

7 (A discussion was held off  
8 the record.)

9 (The following is a  
10 telephone discussion with Judge  
11 Payson's law clerk.)

12 MS. JONES: So we are  
13 currently on the record?

14 MR. SHIELDS: Yes.

15 Ms. Cornetta, we are all set  
16 and on the record.

17 MS. CORNETTA: So I am not  
18 sure what the call is for, but  
19 if you could let me know what  
20 the dispute is.

21 MR. SHIELDS: Yes. This is  
22 Elliot Shields, Ms. Cornetta.  
23 It is pretty simple. We're  
24 almost completed with the  
25 deposition of Police Officer

1 P.O. Adam Gorman

2 Adam Gorman. There was a  
3 body-worn camera as part of the  
4 incident. I had asked Officer  
5 Gorman some questions about the  
6 body-worn camera videos and some  
7 statements that he had made to a  
8 young black man who was stopped  
9 as part of the incident. On the  
10 body-worn camera you can see on  
11 his arms he has numerous  
12 tattoos.

13 We are doing our deposition  
14 virtually by Zoom. I asked  
15 Officer Gorman if he could show  
16 us the tattoos on his arms and  
17 describe what they mean and  
18 counsel for the City objected  
19 and then conferred and then  
20 stated that they would permit  
21 Officer Gorman to describe the  
22 tattoos, but not to show them.  
23 And the objection from the City  
24 was that it is not a physical  
25 examination. It's, instead, a

1 P.O. Adam Gorman  
2 deposition, so they are not  
3 going to allow him to show the  
4 tattoos.

5 MS. JONES: That is correct.  
6 This is Peachie Jones from the  
7 City of Rochester. I think what  
8 is important here is that a lot  
9 of the questions that  
10 Mr. Shields was asking Officer  
11 Gorman about the black man he  
12 detained were really about  
13 racism and if Officer Gorman was  
14 having positive community  
15 relations in offending members  
16 of the African-American  
17 community. We think that these  
18 is in that line of questioning,  
19 just intending to harass and  
20 annoy my client.

21 Again, we are perfectly  
22 happy -- not perfectly happy --  
23 willingly to permit Officer  
24 Gorman, even after stating our  
25 objection to describe his

1 P.O. Adam Gorman  
2 tattoos, but we're not  
3 interested in a physical  
4 examination. Some of his  
5 tattoos are visible, but not all  
6 of them. And it would be serve  
7 Mr. Shield's purposes, not  
8 forgetting the fact that this is  
9 completely irrelevant to the  
10 claims that are brought in this  
11 case. It serves Mr. Shields's  
12 purposes to describe them and  
13 have them in the written record.

14 I will add that there are no  
15 claims of unlawful  
16 discrimination on the basis of  
17 race in the lawsuit. This is  
18 about a dog shooting. And so we  
19 are also very far afield from  
20 what is relevant or even  
21 designed to introduce relevant  
22 information to this case. I  
23 just don't know why we need a  
24 physical examination of Officer  
25 Gorman at this time.

1 P.O. Adam Gorman

2 MS. CORNETTA: A couple of  
3 questions.

4 MR. SHIELDS: Yes.

5 MS. CORNETTA: I apologize.  
6 (Reporter clarification.)

7 MR. SHIELDS: I'm sorry,  
8 Ms. Cornetta. I'm going to try  
9 to make you a little louder for  
10 the court reporter. I'm not  
11 sure where my microphone is, but  
12 I am going to try to hold it to  
13 where I think it is near.

14 I'm sorry. Can we try it  
15 again?

16 MS. CORNETTA: I am going to  
17 start again. I have a couple of  
18 questions. First, I apologize  
19 that I don't have the case file  
20 in front of me.

21 So is Officer Gorman one of  
22 the defendants?

23 MR. SHIELDS: Correct. He  
24 is the named defendant.

25 MS. CORNETTA: The named

1 P.O. Adam Gorman  
2 defendant.

3 Just so I know, what are the  
4 claims in this case?

5 MR. SHIELDS: We have an  
6 unlawful entry claim, a trespass  
7 claim, unlawful seizure of my  
8 client's dog, and an unlawful  
9 seizure of my client when the  
10 other officer pointed his gun at  
11 my client after having basically  
12 jumped the fence into his yard  
13 at the same time that the dog  
14 was released.

15 In short, what happened was  
16 the officers were doing an  
17 operation, a vice operation.  
18 Some officers on one street,  
19 Kosciusko Street, drove their  
20 cars up, a couple of young black  
21 men ran through a couple of  
22 backyards. Officer Gorman was  
23 on the adjacent street, Sobieski  
24 Street. He stopped one of the  
25 young black men in the yard, the



1 P.O. Adam Gorman  
2 backyard neighboring my client's  
3 back yard. And then another  
4 officer, Officer Algarin, the  
5 other named defendant, came in  
6 that yard and Officer Gorman  
7 asked him to backtrack through  
8 my client's yard, so he jumped  
9 the fence. And then basically  
10 at the exact same time  
11 coincidentally, horribly, my  
12 client had let his dog out of  
13 the back door and the dog ran up  
14 to Officer Algarin who shot and  
15 killed the dog right in front of  
16 my client.

17 MS. CORNETTA: I understand  
18 what the case is about. And I  
19 want to make sure I am clear.  
20 The dispute right now from what  
21 I am hearing is about whether or  
22 not Officer Gorman should be  
23 required during the deposition  
24 to display his arm tattoos.

25 MR. SHIELDS: Correct.

1 P.O. Adam Gorman

2 MS. CORNETTA: It is not any  
3 particular question right now?

4 MS. JONES: No, I believe it  
5 was.

6 MR. SHIELDS: The open  
7 question I believe I asked him,  
8 "Can you please show me your  
9 tattoos that we can see in the  
10 video on your arms and describe  
11 their meaning?"

12 MS. CORNETTA: And,  
13 Ms. Jones, you object both to  
14 him showing the tattoos although  
15 you would be willing to permit  
16 him to describe the arm tattoo,  
17 but you object to him answering  
18 the questions as to the meaning  
19 of the tattoos; is that correct?

20 MS. JONES: That is correct.  
21 I mean, I didn't object to the  
22 question, but we are willing to  
23 let Officer Gorman describe the  
24 tattoos.

25 I will add I didn't remember

1 P.O. Adam Gorman  
2 Mr. Shields had limited it to  
3 only the tattoos that were shown  
4 in the video, but we also are  
5 more comfortable to limiting it  
6 to only those that are seen in  
7 the video.

8 MS. CORNETTA: Mr. Shields,  
9 is that correct that is it your  
10 position that you are only  
11 talking about the arm tattoos  
12 that are visible in the  
13 body-worn camera?

14 MR. SHIELDS: I hadn't  
15 really been able to ask any  
16 questions. So that was the  
17 first question. If he told me,  
18 hey, I have more tattoos, I was  
19 going to ask him about those  
20 tattoos as well.

21 MS. CORNETTA: Ms. Jones, go  
22 ahead.

23 MS. JONES: There is  
24 absolutely no relevance of  
25 Officer Gorman's tattoos to a

1 P.O. Adam Gorman  
2 claim about a different officer  
3 shooting a dog. I mean, other  
4 than the fact that Mr. Shields  
5 has mentioned that a black young  
6 man was detained right before  
7 the dog shooting, there is no --  
8 like, we are just so far afield  
9 of what this case is actually  
10 about. Mr. Shields has not  
11 described or identified how  
12 Mr. Gorman's tattoos leads to  
13 any relevant information about  
14 any of the claims in this case.  
15 This is really just lengthening  
16 a deposition and harassing my  
17 client. Like, we're willing to  
18 describe the tattoos, but even  
19 that we think is irrelevant and  
20 unnecessary.

21 MS. CORNETTA: I understand  
22 what your position is. So I  
23 just want to make sure I am  
24 clear as to what the disputes  
25 are and also to avoid a further

1 P.O. Adam Gorman

2 phone call.

3 What I am hearing the  
4 disputes are, one, displaying  
5 the arm tattoo during the  
6 deposition. Ms. Jones, your  
7 position is because it is not a  
8 physical examination and he  
9 should not be required to do  
10 that.

11 Two, there is a dispute  
12 about whether or not -- it is my  
13 understanding that the defendant  
14 is going to describe the tattoos  
15 that can be seen in the video,  
16 but you would object to him  
17 being required to answer the  
18 question as to what the meaning  
19 of those tattoos are.

20 And, three, to the extent  
21 there are tattoos in the  
22 body-worn camera, Mr. Shields,  
23 your position is you would like  
24 to ask about those.

25 And, Ms. Jones, your

1 P.O. Adam Gorman  
2 position is that it is not  
3 relevant and that he shouldn't  
4 be permitted to ask questions  
5 about tattoos that are not  
6 visible on the body-worn camera.

7 Do I have both sides'  
8 positions, correct?

9 Mr. Shields?

10 MR. SHIELDS: Yes, from what  
11 you said.

12 MS. CORNETTA: Ms. Jones?

13 MS. JONES: Yes. That's  
14 correct. Thank you.

15 MS. CORNETTA: So this is  
16 what we do. I mean, I will say,  
17 you know, generally, I  
18 understand, Ms. Jones, that your  
19 objection as to questions about  
20 the tattoos are a relevance  
21 objection and your position that  
22 it goes into the territory of  
23 just being harassing that there  
24 is no relevance. Even,  
25 generally, in federal

1 P.O. Adam Gorman  
2 depositions, objections as to  
3 relevance aren't really a basis  
4 to instruct a witness not to  
5 answer.

6 With respect to the question  
7 of displaying the tattoos, you  
8 know, I have never really had  
9 that before. Obviously, I am a  
10 law clerk and I can't really  
11 make any determinations for you,  
12 but what I can do is I can see  
13 if I can get Judge Payson and  
14 see if she has any further  
15 insight. She has a very full  
16 calendar today, so I don't know  
17 that I can get her. And I  
18 understand you are nearing the  
19 end of the deposition; is that  
20 correct?

21 MR. SHIELDS: Correct.

22 MS. CORNETTA: What I would  
23 suggest is let me put you on  
24 hold and I will see if I can get  
25 Judge Payson to if she can give

1 P.O. Adam Gorman  
2 me any insight into this issue.  
3 You are free while I have you on  
4 hold if you want to try to  
5 continue the deposition, that is  
6 fine with me and I will come  
7 back on when I have some further  
8 information for you. If you  
9 want to sit and wait that is  
10 fine as well. I don't think it  
11 will be terribly long to  
12 determine whether or not I can  
13 get her.

14 So why don't I put you on  
15 hold and you guys do what you  
16 think is the most sufficient use  
17 of your time and I will get back  
18 on as soon as I have more  
19 information.

20 MR. SHIELDS: Great. Thank  
21 you so much. We'll be waiting.

22 MS. CORNETTA: I will get  
23 back.

24 MS. JONES: Are we going to  
25 continue?



1 P.O. Adam Gorman

2 MR. SHIELDS: Yes. Let's  
3 keep going, so we can,  
4 hopefully, finish this up after  
5 they get back.

6 Q Officer Gorman, in this  
7 situation, right, that we watched in the  
8 body-worn camera video where Officer Algarin  
9 jumped the fence in my client's yard, you  
10 guys obviously didn't have a warrant, right?

11 A Correct.

12 Q The exception for the other  
13 warrants would have had to apply what we  
14 covered earlier, right?

15 A Correct.

16 Q Why didn't you just ask Officer  
17 Algarin to walk to the front door to ask for  
18 permission and knock on the door? Did you  
19 ever think about that?

20 A At the time, it did not cross my  
21 mind.

22 Q So earlier you had described  
23 that on a prior day you had run a similar  
24 operations where these same individuals had  
25 run from you on Koskusco Street.

1 P.O. Adam Gorman

2 A Correct.

3 Q How frequent is that type of  
4 situation where people run from you into  
5 residential yards?

6 A In the City of Rochester, if  
7 someone runs, they are cutting through a  
8 residential yard.

9 Q So when someone runs and you  
10 chase them, you are often also going through  
11 a residential yard, right?

12 A Correct.

13 Q That is like a typical  
14 situation?

15 A Yes.

16 Q This happens on a frequent  
17 basis?

18 A In terms of foot chases, yes.

19 Q So if you say it's frequent in  
20 terms of foot cases, that means more than  
21 half of foot cases ends up going through  
22 someone's residential yard?

23 A Yes.

24 Q How often would you say that  
25 happens during a normal week?

1 P.O. Adam Gorman

2 A I couldn't even fathom to give  
3 you a number. There are too many platoons  
4 and sections in the City. I couldn't give  
5 you a realistic number at all.

6 Q I am sorry. I mean, in your  
7 experience, how often do you end up having to  
8 do a foot chase through some residential  
9 yards?

10 A Me, personally, once every  
11 couple of weeks.

12 Q On average?

13 A Yes.

14 Q Would that be since you switched  
15 to the first platoon or throughout your time  
16 both on the third and the first?

17 A If you did it altogether, I  
18 would say once every couple of weeks.

19 Q Is that something that would  
20 have happened more frequently when you were  
21 on the third platoon than when you were on  
22 the first?

23 A Yes.

24 Q Have you previously encountered  
25 dogs on peoples' property during foot chases?

1 P.O. Adam Gorman

2 A No, I don't think so, not during  
3 the foot chase.

4 Q How often during those foot  
5 chances did you end up backtracking and going  
6 through the route that you chase the person  
7 to look for any discarded contraband?

8 A On my personal foot chases are  
9 you asking?

10 Q Yes. I am just asking about  
11 your experience, you know, what you have  
12 done.

13 A I would say the majority of the  
14 time.

15 Q Would it be fair to say that a  
16 majority of the time some of those times at  
17 least would require you to jump over a fence  
18 similar to what happened in this instance?

19 A Yes.

20 Q In any of those other instances,  
21 have you ever gone to the property owner's  
22 front door and asked for consent to enter  
23 their property?

24 A Prior to this date, not that  
25 comes to mind.

1 P.O. Adam Gorman

2 Q After this date of incident,  
3 have you ever done that, gone to the front  
4 door and asked for someone's consent to enter  
5 their property?

6 A Yeah.

7 Q Why did you do that after this  
8 incident?

9 A Typically, when looking for  
10 discarded contraband, those items can be  
11 obviously tossed relatively easily to a  
12 significant distance, so multiple yards over.  
13 And within the City limits, many people have  
14 fences and some of those fences are either  
15 impassible without damage to the fence,  
16 injury to the officer, or just the height.  
17 So there have been occasions where I go knock  
18 on the door, ask them, hey, can you open up  
19 the gate. Or I hear a dog in the backyard  
20 and I will say, hey, can you bring your  
21 animals inside? We're looking for something.

22 Q So when you think there might be  
23 a dog in the yard because there are  
24 indications that in an instance after this  
25 dog shooting where you have gone and knocked

1 P.O. Adam Gorman

2 on someone's door to ask for them to put the  
3 dog away and allow you to search the  
4 property?

5 A Are you asking because of this  
6 instance?

7 Q That wasn't the wording of my  
8 question, but let's break that into two  
9 different questions.

10 So after this incident in  
11 instances where you think there is a dog on  
12 the property you have sought the owner's  
13 consent, or the lessee, or whatever, prior to  
14 entering the yard, correct?

15 A Correct.

16 Q And part of the reason is  
17 because, if there is a dog, that can be  
18 dangerous for the officers, right?

19 A Correct.

20 Q After this incident, in general,  
21 did you change anything that you would do  
22 prior to entering a residential yard to  
23 search for property that may have been  
24 discarded while you are backtracking?

25 A It is a more conscious thought.

1 P.O. Adam Gorman

2 Q So you learned from your  
3 experiences, right?

4 A Correct.

5 Q Do you think about it every time  
6 you enter someone's yard or just when you  
7 think there might be a dog that could  
8 potentially run out?

9 A Primarily, if there is a fence,  
10 that is usually an indicator, kind of, I  
11 guess, a trigger, I guess you would say just  
12 to --

13 Q So now when you see a yard that  
14 is surrounded by a fence you think, oh, hey,  
15 you know, this is an indication that there  
16 may be a dog that lives at this property?

17 A Yes.

18 Q And so if there any training  
19 changes implemented by the City as a result  
20 of these incidents, it should include  
21 training that, hey, look, a fence is an  
22 indication that there might be a dog that  
23 lives at this property, right?

24 A Yes, I guess.

25 Q Based on your experience, have

1 P.O. Adam Gorman

2 you ever been involved in any other instances  
3 where a dog has been shot?

4 A Yes.

5 Q Only one other instant or more  
6 than one?

7 A Just one.

8 Q Oh, you know what? I am going  
9 to put that report up and just ask you a  
10 couple of questions about it. So this will  
11 be Exhibit H.

12 MS. CORNETTA: Counsel?

13 MS. SHIELDS: Oh, hold on.

14 The Court is back.

15 Hello, we're all here.

16 MS. CORNETTA: Sorry for the  
17 delay. I was able to speak with  
18 Judge Payson.

19 Are we still on the record?

20 THE COURT REPORTER: Yes.

21 MS. CORNETTA: So,

22 Mr. Shields, I'm not sure that I  
23 have a clear idea, and maybe I  
24 didn't ask you this, but could  
25 you just articulate for me what



1 P.O. Adam Gorman  
2 you believe the relevance is of  
3 the tattoos, either the ones  
4 that are visible on the  
5 body-worn camera or any other  
6 tattooing and what the relevance  
7 of their meanings are to the  
8 claims in the case?

9 MR. SHIELDS: Well, I don't  
10 know. That is why I need to ask  
11 him questions about the tattoos.  
12 We can see them visible on his  
13 arms in the body-worn camera,  
14 you know.

15 As far as any potential  
16 meaning, you know, the claims in  
17 the case and one of the lines of  
18 questioning in today's  
19 deposition was about the  
20 demographics of the  
21 neighborhood. Officer Gorman  
22 testified that he is assigned to  
23 the Clinton section, that it is  
24 predominantly a black  
25 neighborhood, that most of the

1 P.O. Adam Gorman  
2 individuals he has interactions  
3 with are young black men. There  
4 was an interaction with the  
5 individual that he had stopped  
6 in the neighboring yard here  
7 where he had asked him --  
8 basically he said to him,  
9 whether it is you or your  
10 cousins, someone is dealing  
11 drugs out here and we have got  
12 to stop it.

13 So that is the context of  
14 asking about the arm tattoos  
15 that we can see in the video  
16 and, you know, any other tattoos  
17 he might have, you know. We  
18 asked about implicit bias  
19 training provided by the  
20 Rochester Police Department and,  
21 you know, how perhaps some  
22 statements Officer Gorman may  
23 have made may not seem to him to  
24 have any kind of racist  
25 connotation, but could be

1 P.O. Adam Gorman  
2 perceived differently by members  
3 of the community.

4 So, you know, that is why I  
5 am interested in looking at his  
6 tattoos because, you know, I  
7 don't know what they look like  
8 unless he shows me. And I would  
9 like to ask him questions about  
10 them because I don't know if  
11 during his patrol members of the  
12 community might see tattoos and  
13 say, hey, what does that mean,  
14 you know, and have questions  
15 about it. You know, I want to  
16 know what they look like and I  
17 want to know what they mean.

18 And I don't think relevance  
19 is necessarily an appropriate  
20 objection on the City's part,  
21 you know, because a deposition  
22 is, generally, in my experience,  
23 meant to allow me to explore  
24 these areas that I am not sure  
25 about. And I have gotten

1 P.O. Adam Gorman  
2 objections from the City in the  
3 past that say, hey, look, you  
4 know, this would be a more  
5 appropriate question for you to  
6 ask at deposition, and so that  
7 is what I am doing instead of  
8 serving an interrogatory about  
9 the tattoos beforehand.

10 MS. CORNETTA: Mr. Shields,  
11 just one follow-up question.

12 MR. SHIELDS: Yes.

13 MS. CORNETTA: You mentioned  
14 that part of the relevance to  
15 your question about the tattoos  
16 are what, you know, people  
17 within the neighborhood that  
18 might interact with Officer  
19 Gorman walking on patrol, what  
20 they might see and what they  
21 might, you know, presumably  
22 interpret those tattoos to mean.

23 Is it your intention to ask  
24 about tattoos that will be  
25 visible during his normal patrol

1 P.O. Adam Gorman

2 duties?

3 MR. SHIELDS: I mean, I'm  
4 not going to ask to see them,  
5 you know, if it is on his back.  
6 I am not going to ask him to  
7 take his shirt off. But if he  
8 showed me his tattoos, I was  
9 going to say, okay, do you have  
10 any others, what are they, where  
11 are they, you know. I actually  
12 hadn't thought that all through  
13 at the time I asked about the  
14 tattoos as we were watching the  
15 video. And I said, hey, I see  
16 these tattoos on your arm. Can  
17 you show me and describe them?  
18 That is a long way of saying I  
19 plan on just asking, but not  
20 asking to see them.

21 MS. CORNETTA: Counsel, can  
22 you hold on for one more minute?

23 MR. SHIELDS: Yes. Thank  
24 you.

25 MS. JONES: Are we going to

1 P.O. Adam Gorman

2 continue while we are waiting?

3 MR. SHIELDS: Yes. I guess  
4 she said one more minute, but  
5 who knows how long it will  
6 really take, right.

7 (Incident Report Number  
8 2018-0009117 marked as  
9 Plaintiff's Exhibit H for  
10 identification, as of this  
11 date.)

12 This is Exhibit H. This is  
13 Rochester Police Department  
14 incident report RC number  
15 2018 --

16 MS. CORNETTA: Counsel, I am  
17 back.

18 MR. SHIELDS: Okay. Hello.

19 MS. CORNETTA: Are we still  
20 on the record?

21 MR. SHIELDS: Yes.

22 MS. CORNETTA: Great.

23 So as I had indicated to  
24 you, I was able to speak to  
25 Judge Payson, and, you know, one

1 P.O. Adam Gorman  
2 of the things that she did want  
3 to know a little bit more about  
4 was from Mr. Shields to  
5 articulate the relevance that he  
6 thought to the tattoos.

7 Judge Payson's strong  
8 instincts was that she didn't  
9 see any relevance of the tattoos  
10 other than they were in the  
11 body-worn camera. The  
12 defendant's position was that  
13 they were willing to permit him  
14 to describe the tattoos that  
15 were depicted in the video. She  
16 thinks it would be fine to show  
17 the witness the body-worn camera  
18 and the tattoos and ask him if  
19 those are the tattoos that are,  
20 indeed, on his arm.

21 Judge Payson understands  
22 that typically issues of  
23 relevance are a basis to not  
24 answer during a deposition, but  
25 she does think she really can't

1 P.O. Adam Gorman

2 see any particular relevance to  
3 the tattoos or what the officer,  
4 you know -- they might obviously  
5 have personal meaning to the  
6 officer and have nothing to do  
7 with what someone else might  
8 view them as and she just  
9 doesn't see the relevance of  
10 them and she doesn't think that  
11 the officer should be required  
12 to do anything more than what  
13 the defense indicated, which is  
14 to describe the tattoos on his  
15 arm that are depicted in the  
16 video.

17 MR. SHIELDS: Okay.

18 MS. CORNETTA: So if there  
19 is anything else that I can help  
20 you with, give the Court a call  
21 back.

22 MR. SHIELDS: Thank you.  
23 Appreciate your time.

24 MS. CORNETTA: Thank you.

25 (Telephonic conversation concluded.)



1 P.O. Adam Gorman

2 Q So let's just go back to this  
3 other incident. So it is incident report  
4 2018-0009117, right?

5 A Yes.

6 Q So that was a report dated April  
7 22nd, 2018, right?

8 A Correct.

9 Q So that is before our date of  
10 incident, right?

11 A Yes.

12 Q And do you remember this  
13 incident? Can you just kind of tell us what  
14 happened?

15 A Yes, I do. Myself and Officer  
16 Whitmore -- correct me if I am wrong or I  
17 have to review the report -- we responded to  
18 a call for dogs fighting. Upon our arrival,  
19 we observed I want to say it is two dogs.  
20 Again, I have to review the report. Two dogs  
21 attacking a third dog in an open backyard or  
22 partially enclosed backyard I guess you would  
23 say. The panels were partially enclosing the  
24 backyard. Access from the street was no  
25 gate, no attempt at a fence. And, if I am

1 P.O. Adam Gorman

2 not mistaken, they were actually in the  
3 neighbor's yard. The two loose dogs were in  
4 the neighbors yard attacking the neighbor's  
5 dog as we approached.

6 Q And then what happened?  
7 Eventually Officer Whitmore ended up shooting  
8 one of the dogs?

9 A Correct. Ultimately the dogs  
10 approached us. We waited. We waited. They  
11 were just kind of standoffish, but still had  
12 aggressive mannerisms, the growling and such,  
13 but they were within a 5 to 10-foot distance  
14 from us constantly. And after a few minutes,  
15 one of the dogs lunged towards Officer  
16 Whitmore and Officer Whitmore shot the dog.

17 Q My question was going to be, how  
18 come you didn't shoot the dog and is that  
19 because it didn't lunge at you, it lunged at  
20 Officer Whitmore?

21 A My focus was -- because there  
22 were two dogs, my focus was on the second dog  
23 while Officer Whitmore was trained on the dog  
24 that he ended up ultimately shooting.

25 Q So you guys were both kind of

1 P.O. Adam Gorman

2 taking one dog each?

3 A Yes. Eventually, yes.

4 Q Throughout this whole period,  
5 did you guys have your pistols out?

6 A Yes.

7 Q So if one of the dogs had come  
8 at either you or Officer Whitmore, your  
9 intention would have been to shoot the dog?  
10 That was your plan, I guess, since you had  
11 your pistols out?

12 A Yes.

13 Q Did you ever consider or do you  
14 know if Officer Whitmore ever considered any  
15 other type of force, like using OC spray or a  
16 baton instead of shooting the dog?

17 A I can't speak for Officer  
18 Whitmore's thought process on that. I can't  
19 actually say I considered it at the time due  
20 to the amount of time that elapsed during  
21 this incident. It wasn't as fast-paced I  
22 should say as things that we're discussing  
23 today.

24 Q When you said that you did think  
25 about that, were you referring to either a

1 P.O. Adam Gorman

2 baton or OC spray or both or something else?

3 A Primarily the baton.

4 Q At the time you had your pistol  
5 out, though, right, did you also have your  
6 baton in your hand or would you have  
7 potentially reached for it?

8 A I don't remember.

9 Q So at the time you and Officer  
10 Whitmore had your guns in your hand, right?

11 A Correct.

12 Q That would have been, I guess,  
13 the primary method of using force against the  
14 dog or the first option since that it was out  
15 and ready to go?

16 A Yes.

17 Q Let me see. I will scroll down.  
18 I don't think I have any other questions on  
19 that.

20 MS. JONES: Did we get the  
21 COR numbers on that?

22 MR. SHIELDS: I think that  
23 is all I have on that. Thank  
24 you.

25 Q I think you said earlier, right,

1 P.O. Adam Gorman

2 you never either shot a dog or hit a dog with  
3 a baton or used OC spray against a dog.

4 A Correct.

5 Q I will pull up the Arrest Report  
6 from this incident. I just have a couple of  
7 questions on that.

8 MR. SHIELDS: This will be  
9 Exhibit I, arrest report.

10 (Arrest Report marked as  
11 Plaintiff's Exhibit I for  
12 identification, as of this  
13 date.)

14 Q Officer Gorman, can you see what  
15 I marked as Exhibit I, the Arrest Report?

16 A Yes.

17 Q It's 54 Sobieski Street, right?

18 A Yes.

19 Q Narcotic offenses, 10/19/18?

20 A Correct.

21 Q If you go down to the narrative  
22 section, this is filled out by Officer  
23 Horowitz. And Officer Horowitz says, "On the  
24 above date and time I was responding per ther  
25 report of drug activity at 61 Kosciusko

1 P.O. Adam Gorman

2 Street. I was at 54 Sobieski Street with  
3 Officer Gorman and Officer -- how do say his  
4 name?

5 A DeSabatino.

6 Q DeSabatino. That makes more  
7 sense.

8 And Officer Algarin drove up to  
9 61 Kosciusko Street. Two black males later  
10 identified as," redacted, "fled on foot.  
11 Stopped towards Sobiesky Street. "A" Hopped  
12 the fence, fled on foot in the vacant lot and  
13 dropped a black bag and walked towards me. I  
14 ordered "A" to stop and get down on the  
15 ground. He cooperated. I placed handcuffs  
16 on "A", searched, and brought him to my  
17 vehicle. I located black bag "A" dropped,  
18 which contained seven plastic bags containing  
19 a light green-leaf substance. Officer Gorman  
20 detained PK. Called for a check with city  
21 records. Negative 1029 check."

22 I am stopping right there.

23 My first question is, what is a  
24 1029 check?

25 A 1029 check is just a warrants

1 P.O. Adam Gorman

2 check.

3 Q Just checking if they had any  
4 open warrants?

5 A Correct.

6 Q Back here it says "PK" and "A"  
7 were released.

8 So that means, both of them were  
9 just released from the scene, right?

10 A I don't know if the man arrested  
11 was released and issued an appearance ticket  
12 on scene or at his office.

13 Q The guy you stopped was released  
14 from the scene?

15 A Correct.

16 Q You know, when I first read  
17 this, I didn't know about the day before. So  
18 at the beginning of the incident report where  
19 he is talking about, you know, how Officer  
20 Horowitz said he had responded with you to  
21 Sobieski Street, that was all planned in  
22 advance, right?

23 A Yes.

24 Q Had you done that before, kind  
25 of like camped out on Sobiesky Street and

1 P.O. Adam Gorman

2 expected people to run through the yards?

3 A I don't think so.

4 Q You guys devised it that day  
5 based on what had happened the prior day?

6 A Yes. Based on once we received  
7 the 911 call, that is how we were going to  
8 respond to the 911 call.

9 Q So basically you made a plan to  
10 flush them out through the yards and stop  
11 them hopefully in one of those backyards?

12 A No. Just cut them off mid run.

13 Q Yeah.

14 Now, before you did that, did  
15 you do any investigation into any of those  
16 homes or yards to see whether any of them had  
17 dogs?

18 A No. By the time we -- I pulled  
19 up on Sobieski, the -- I mean, we were  
20 already running. That is why.

21 Q Remember when you only saw the  
22 five seconds?

23 A Yes. Because I just had  
24 activated it and it only stayed in the green  
25 status as we discussed earlier for about five



1 P.O. Adam Gorman

2 seconds.

3 Q So basically before the camera  
4 turned on, you had just arrived at the scene  
5 in your car?

6 A Yes.

7 Q So it wasn't like you had hours  
8 to devise this plan. You had the 911 call,  
9 responded, and at the same time you pulled up  
10 on Sobieski Street, Officer Alagrin and  
11 DeSabatino arrived on Kosciusko Street?

12 A Correct.

13 Q And those are streets that you  
14 are familiar with; is that right? You were  
15 there the prior day?

16 A Yes.

17 Q I just want to go over the  
18 incident report with you. This will be  
19 Exhibit J.

20 (Incident report marked as  
21 Plaintiff's Exhibit J for  
22 identification, as of this  
23 date.)

24 Q Can you see that on your screen,  
25 Officer Gorman?

1 P.O. Adam Gorman

2 A Yes, I can.

3 Q So I asked you one question  
4 earlier.

5 Jason Rudolph was the  
6 supervisor, correct?

7 A Correct.

8 Q He showed up later?

9 A Yes.

10 Q I guess my question is, we have  
11 reports written by the supervisor and a  
12 different officer.

13 Is that typical in a situation  
14 like this that, you know, you wouldn't write  
15 a report after you had conducted a search?

16 A If nothing of relevance was  
17 found, then, yes.

18 Q So even though General Order 415  
19 said you are supposed to write a report, no  
20 one ever gave you a hard time, none of your  
21 supervisors, if you don't do that?

22 A No.

23 Q Have you ever been told by any  
24 of your supervisors that you are supposed to  
25 write a report pursuant to General Order 415

1 P.O. Adam Gorman

2 when you haven't?

3 A Not to my knowledge, no.

4 Q After the dog shoot, did you  
5 speak to any witnesses at the scene?

6 A I don't think so. I don't  
7 recall.

8 Q You didn't take any witness  
9 statements or supporting deposition from  
10 anyone?

11 A No. No. I don't recall, but I  
12 am pretty sure I did not.

13 Q Before prior to preparing for  
14 the deposition, had you ever watched your  
15 body-worn camera video from this incident?

16 A Yes.

17 Q When was that?

18 A Whenever my last visit was with  
19 corporation counsel.

20 Q Aside from preparing for  
21 anything having to do with this lawsuit, did  
22 you watch the body-worn camera video of the  
23 incident?

24 A Possibly immediately after the  
25 incident just to review it all, but I

1 P.O. Adam Gorman

2 couldn't say for sure.

3 Q There wasn't like an incident  
4 report that was completed with supervisors  
5 and all the officers at the scene and  
6 anything like that?

7 A Such as what is called an  
8 after-action report?

9 Q Sure. I guess that would be it,  
10 if that is what you guys call it, right?

11 A Yes, after-action report. After  
12 any, I guess, critical incident, we would  
13 review, go over things, but, no, that was not  
14 done.

15 Q Have you had other incidents  
16 where you have done after-action reports?

17 A Yes.

18 Q It sounds like you were just  
19 describing when that happens you review the  
20 body-worn camera footage and basically assess  
21 what happened at that incident.

22 Is that what the purpose of  
23 doing an after-action report would be?

24 MS. JONES: Objection.

25 A The body-worn camera is used as

1 P.O. Adam Gorman

2 a tool in reviewing, not specifically the dog  
3 shooting or any incident like that, but any  
4 critical incident just to review tactics,  
5 safety procedures, or just what we could have  
6 done better.

7 Q So to learn from the incident  
8 and, you know, make sure that things in the  
9 future are done as safe as possible, right?

10 A Correct.

11 Q Officer's safety is the number  
12 one priority, right?

13 A Correct.

14 Q And one takeaway here in terms  
15 of officer's safety could be, when you have  
16 time, and it could have only taken maybe 15  
17 seconds to go knock on the front door, that  
18 would have been a safer option than Officer  
19 Algarin jumping the fence into my client's  
20 backyard?

21 A Correct. I agree with that.

22 Q Have you ever reviewed the legal  
23 filings, any of the legal filings in this  
24 case?

25 A Are you referring to the lawsuit

1 P.O. Adam Gorman

2 itself?

3 Q Correct. Like the complaint.

4 A I want to say "yes," but not  
5 recently.

6 Q Maybe when the case was first  
7 filed and served on you?

8 A Yes.

9 Q Did you receive a physical copy  
10 of the document that was delivered by  
11 exchange?

12 A Yes. Yes.

13 Q And then what is the process  
14 after? Then you reach out to the City and  
15 ask for representation? Is that how that  
16 goes?

17 A What I did was I notified the  
18 union. And I don't think I reached out to  
19 the City myself.

20 Q Maybe the union did that for  
21 you?

22 A Possibly, yes. I believe that  
23 is what they do.

24 Q Have you ever spoken with any  
25 union representatives about the allegations

1 P.O. Adam Gorman

2 in the lawsuit or the incident?

3 A Not that I remember.

4 Q Other than --

5 A Other than notified.

6 Q I just want to go back to the  
7 tattoos.

8 Can you describe the tattoos on  
9 your forearms that are displayed in the  
10 body-worn camera footage?

11 MS. JONES: Which tattoos  
12 are in the body-worn camera?

13 I thought we were going to  
14 pull up the video and identify.

15 MR. SHIELDS: I think she  
16 said he can describe the ones on  
17 the forearms that are visible.

18 MS. JONES: What is visible?

19 MR. SHIELDS: You want to  
20 watch the whole video right now  
21 and when he describes what is on  
22 his arms?

23 MS. JONES: As long as you  
24 are fine with him making, I  
25 guess, the determination of what

1 P.O. Adam Gorman  
2 is visible. I mean, like, we  
3 haven't been looking for tattoos  
4 in the video. We don't have to  
5 watch the whole thing, but I  
6 assume that you know what you  
7 want identified.

8 MR. SHIELDS: Well, I am  
9 just asking questions right now  
10 first and then maybe we'll watch  
11 the video.

12 Q I want to know, if you can tell  
13 me, how many tattoos do you have below your  
14 elbows on your right arm and your left arm?

15 MS. JONES: Hold on.

16 Do you know which tattoos  
17 are in the video?

18 A There is only one that would  
19 have been.

20 MS. JONES: There is just  
21 one tattoo, so we can just  
22 describe that one.

23 A There would have only been one  
24 visible.

25 Q How many do you have total on



1 P.O. Adam Gorman

2 your forearm?

3 MS. JONES: That wasn't a  
4 question that she permitted.

5 MR. SHIELDS: I am asking it  
6 now.

7 MS. JONES: Do you want to  
8 call her back? We already  
9 talked about this. We're  
10 describing the tattoos that are  
11 visible in the body-worn camera  
12 and it is one and that is what  
13 we're going to do.

14 Q How many tattoos do you have on  
15 your forearms?

16 MS. JONES: Don't answer  
17 that.

18 MR. SHIELDS: I am not  
19 asking him to describe it. I am  
20 asking how many he has. We can  
21 go back to the video. Maybe he  
22 only has one and that is the end  
23 of it.

24 MS. JONES: I thought he  
25 said only one would be visible.

1 P.O. Adam Gorman

2 MR. SHIELDS: That wasn't my  
3 question.

4 Q How many tattoos do you have on  
5 your forearms?

6 MS. JONES: That wasn't  
7 allowed.

8 MR. SHIELDS: Are you  
9 directing him not to answer?

10 MS. JONES: We just called  
11 the Judge.

12 MR. SHIELDS: We will mark  
13 that for a ruling.

14 That is not my recollection  
15 of the Judge's ruling.

16 MS. JONES: Hold on. Let me  
17 go back to my notes.

18 There is no particular  
19 relevancy. He is not required  
20 to show. He just needs the  
21 tattoos that are depicted in the  
22 body-worn camera. You can show  
23 the body-worn camera and he can  
24 confirm that these are his  
25 tattoos and he can describe

1 P.O. Adam Gorman

2 them. We can pull up the video  
3 if you would like so you can  
4 confirm those are his tattoos.

5 Q What is this tattoo right here  
6 on your left arm above your watch?

7 A Yes. Yes. That is me. That is  
8 just the guy in front of me. That is me.  
9 That tattoo is -- that portion you can see  
10 there are of dog tags.

11 Q And do the dog tags have any  
12 writing on them?

13 A They do.

14 Q And what is the writing?

15 A The one in this freeze frame, I  
16 guess you would say, the furthest one to the  
17 left says OEF Roman Numeral 13.

18 Q What is OEF Roman Numeral 13?

19 A Yes. That's the one furthest to  
20 the left.

21 Q What does that mean?

22 A Operation Enduring Freedom.

23 Q Is is that from Iraq?

24 A Afghanistan.

25 Q And 13 is the significant of a

1 P.O. Adam Gorman

2 year or something like that?

3 A The year I deployed.

4 Q I'm sorry. The other one?

5 A The other one depicts two last  
6 names of two of my squad members that were  
7 killed in Afghanistan.

8 Q Thank you.

9 I remembered, I thought, a  
10 larger tattoo on your forearm.

11 Is that depicted in the  
12 body-worn camera video?

13 MS. JONES: We only saw one  
14 in the body-worn camera footage.

15 MR. SHIELDS: I am just  
16 asking him a simple question so  
17 we don't have to watch the whole  
18 video all over again. I am  
19 trying to make this easier.

20 A What you are, I am assuming,  
21 recalling is if you go back and when I  
22 conducted a search of his ankles, when I bent  
23 over to frisk his ankles, you can see the  
24 full depiction of the tattoo on my left arm.

25 Q Is that a different tattoo than

1 P.O. Adam Gorman

2 the dog tags that we already described?

3 A No. It is all in one. It is  
4 just the bigger picture of it. The dog tags  
5 that are in the tattoo, the dog tags are  
6 being carried by an eagle's head.

7 Q And the eagle's head, I am  
8 assuming, is similar to -- it's significance  
9 would be the eagle's symbol of America?

10 MS. JONES: Objection. I  
11 think we described the tattoos.  
12 We can move along.

13 Q He was about to answer the  
14 question. I am literally about to finish.

15 MS. JONES: For the record,  
16 you need to mark this section  
17 describing the tattoos as  
18 confidential.

19 MR. SHIELDS: You can make a  
20 motion for protective order for  
21 that.

22 MS. JONES: Really?

23 MR. SHIELDS: Yes.

24 Pursuant to our protective  
25 order, you can file the

1 P.O. Adam Gorman  
2 procedures in the case about  
3 that.

4 And I have no further  
5 questions.

6 MS. JONES: I guess it is on  
7 the record that I am asking that  
8 it be marked as confidential.

9 MR. SHIELDS: And I am  
10 asking you to file the  
11 procedures in the  
12 confidentiality order that was  
13 ordered by Judge Payson.

14 (Continued on next page to  
15 include jurat.)  
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MS. JONES: And you don't  
have any more questions?

MR. SHIELDS: I am all set.

MS. JONES: Excellent.  
Thank you.

MR. SHIELDS: Thank you.

(TIME NOTED: 4:12 p.m.)

---

P.O. ADAM GORMAN

Subscribed and sworn to  
before me this\_\_\_\_\_ day  
of \_\_\_\_\_, 2022.

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NOTARY PUBLIC

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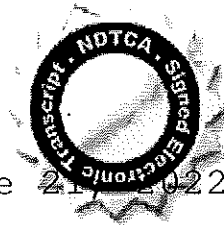
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C E R T I F I C A T E

I, ROBYN LEHRMANN, a Shorthand Reporter  
and Notary Public of the State of New York,  
do hereby certify:

That, P.O. ADAM GORMAN, the witness  
whose examination is hereinbefore set forth,  
was duly sworn, and that such examination is  
a true record of the testimony given by such  
witness.

I further certify that I am not related  
to any of the parties to this action by blood  
or marriage; and that I am no way interested  
in the outcome of this matter.



ROBYN LEHRMANN

DATE

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